# Round 3 vs Dartmouth MM

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#### War power is the Presidential authority to conduct war as commander-in-chief

Black’s Law Dictionary 99(7th Edition, p. 1578-9)

"War Power" is defined as "[the constitutional authority of Congress to declare war and maintain armed forces (U.S. Const. art. I, § 8, cls. 11-14), and of the President to conduct war as commander-in-chief (U.S. Const. art. II, § 2, cl. 1)."

#### Executive authority is determined by Congressional or Constitutional authorization

Bradley and Goldsmith 5Curtis and Jack, professor of law at the University of Virginia and professor of law at Harvard, 118 Harvard Law Review 2047, May, lexis

Second, under Justice Jackson's widely accepted categorization of presidential power, n5 "the strongest of presumptions and the widest latitude of judicial interpretation" attach "when the President acts pursuant to an express or implied authorization of Congress." n6 This  [\*2051]  proposition applies fully to presidential acts in wartime that are authorized by Congress. n7 By contrast, presidential wartime acts not authorized by Congress lack the same presumption of validity, and the Supreme Court has invalidated a number of these acts precisely because they lacked congressional authorization. n8 The constitutional importance of congressional approval is one reason why so many commentators call for increased congressional involvement in filling in the legal details of the war on terrorism. Before assessing what additional actions Congress should take, however, it is important to assess what Congress has already done. Third, basic principles of constitutional avoidance counsel in favor of focusing on congressional authorization when considering war powers issues. n9 While the President's constitutional authority as Commander-in-Chief is enormously important, determining the scope of that authority beyond what Congress has authorized implicates some of the most difficult, unresolved, and contested issues in constitutional law. n10 Courts have been understandably reluctant to address the scope of that constitutional authority, especially during wartime, when the consequences of a constitutional error are potentially enormous. n11 Instead,  [\*2052]  courts have attempted, whenever possible, to decide difficult questions of wartime authority on the basis of what Congress has in fact authorized. n12 This strategy makes particular sense with respect to the novel issues posed by the war on terrorism.

#### Introduction includes assignment to command, coordinate, participate, or accompany where forces are engaged or there is imminent threat

Ely 88 – John Hart Ely, Professor of Law and Senior Research Fellow, Hoover Institution on War, Revolution, and Peace, Stanford University. November, 1988, "Suppose Congress Wanted a War Powers Act that Worked," 88 Colum. L. Rev. 1379, lexis nexis

INTERPRETATION OF THIS ACT¶ Sec. 7.(a) Authority to introduce United States Armed Forces into hostilities or into situations where there is an imminent danger of hostilities, or to retain them in a situation where hostilities or the imminent danger thereof has developed, shall not be inferred --¶ (1) from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes such introduction or retention and states that it is intended to constitute specific statutory authorization within the meaning of this Act; or¶ (2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing such introduction or retention, and stating that it is intended to constitute specific statutory authorization within the meaning of this Act.¶ [\*1430] (b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.¶ (c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the **assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged**, or there exists an imminent threat that such forces will become engaged, in hostilities.

#### Violation—

The aff does not affect a war power. The aff does not not increase a statutory restriction on introduction of forces, but on the way the USAF is organized.

#### Standards—

Predictable limits — their topic makes anything tangentially related to changing policy in the four topic areas game — hurts cost benefit analysis.

### Politics

#### Immigration reform will pass --- it’s Obama’s top priority

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

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

#### Obama’s fresh political capital is vital to reignite momentum for immigration

Reid Epstein 10/17/13, writer at Politico, “Obama’s latest push features a familiar strategy,” http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration.¶ And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure.¶ “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.”¶ (WATCH: Assessing the government shutdown's damage)¶ And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time.¶ “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.”¶ Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill.¶ (PHOTOS: Immigration reform rally on the National Mall)¶ Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside.¶ Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats.¶ Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.”¶ (Also on POLITICO: GOP blame game: Who lost the government shutdown?)¶ When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January.¶ Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended.¶ The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown.¶ But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills.¶ White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote.¶ “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

#### The process of restrictions on war powers deplete political capital and trade off with the rest of the agenda

Douglas L. Kriner 10, Assistant Professor of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 68-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."¶ While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.60¶ In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61¶ When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### CIR’s critical to economic growth---multiple internals

Klein 13 Ezra is a columnist for The Washington Post. “To Fix the U.S. Economy, Fix Immigration,” 1/29, http://www.bloomberg.com/news/2013-01-29/to-fix-the-u-s-economy-fix-immigration.html

Washington tends to have a narrow view of what counts as “economic policy.” Anything we do to the tax code is in. So is any stimulus we pass, or any deficit reduction we try. Most of this mistakes the federal budget for the economy.¶ The truth is, the most important piece of economic policy we pass -- or don’t pass -- in 2013 may be something we don’t think of as economic policy at all: immigration reform.¶ Congress certainly doesn’t consider it economic policy, at least not officially. Immigration laws go through the House and Senate judiciary committees. But consider a few facts about immigrants in the American economy: About a tenth of the U.S. population is foreign-born. More than a quarter of U.S. technology and engineering businesses started from 1995 to 2005 had a foreign-born owner. In Silicon Valley, half of all tech startups had a foreign-born founder.¶ Immigrants begin businesses and file patents at a much higher rate than their native-born counterparts, and while there are disputes about the effect immigrants have on the wages of low-income Americans, there’s little dispute about their effect on wages overall: They lift them.¶ The economic case for immigration is best made by way of analogy. Everyone agrees that aging economies with low birth rates are in trouble; this, for example, is a thoroughly conventional view of Japan. It’s even conventional wisdom about the U.S. The retirement of the baby boomers is correctly understood as an economic challenge. The ratio of working Americans to retirees will fall from 5-to-1 today to 3-to-1 in 2050. Fewer workers and more retirees is tough on any economy.¶ Importing Workers¶ There’s nothing controversial about that analysis. But if that’s not controversial, then immigration shouldn’t be, either. Immigration is essentially the importation of new workers. It’s akin to raising the birth rate, only easier, because most of the newcomers are old enough to work. And because living in the U.S. is considered such a blessing that even very skilled, very industrious workers are willing to leave their home countries and come to ours, the U.S. has an unusual amount to gain from immigration. When it comes to the global draft for talent, we almost always get the first-round picks -- at least, if we want them, and if we make it relatively easy for them to come here.¶ From the vantage of naked self-interest, the wonder isn’t that we might fix our broken immigration system in 2013. It’s that we might not.¶ Few economic problems wouldn’t be improved by more immigration. If you’re worried about deficits, more young, healthy workers paying into Social Security and Medicare are an obvious boon. If you’re concerned about the slowdown in new company formation and its attendant effects on economic growth, more immigrant entrepreneurs should cheer you. If you’re worried about the dearth of science and engineering majors in our universities, an influx of foreign-born students is the most obvious solution you’ll find.

#### US economic decline makes global nuclear war likely

O’Hanlon and Lieberthal 12 Michael O’Hanlon, Ph.D., is a senior fellow at The Brookings Institution, specializing in defense and foreign policy issues. Kenneth Lieberthal, Ph.D., is a senior fellow in Foreign Policy and Global Economy and Development at Brookings. “The real national security threat: America's debt,” July 3, LA Times Op-Ed, http://articles.latimes.com/2012/jul/03/opinion/la-oe-ohanlon-fiscal-reform-20120703

Lastly, American economic weakness undercuts U.S. leadership abroad. Other countries sense our weakness and wonder about our purported decline. If this perception becomes more widespread, and the case that we are in decline becomes more persuasive, countries will begin to take actions that reflect their skepticism about America's future. Allies and friends will doubt our commitment and may pursue nuclear weapons for their own security, for example; adversaries will sense opportunity and be less restrained in throwing around their weight in their own neighborhoods. The crucial Persian Gulf and Western Pacific regions will likely become less stable. Major war will become more likely.

### Flex

#### There’s uncheck expansion of war powers now

David Gray Adler 11, Director of the Andrus Center for Public Policy @ Boise State University, March 4, “Presidential Ascendancy in Foreign Affairs and the Subversion of the Constitution,” http://www.civiced.org/pdfs/GermanAmericanConf2011/Adler.pdf

Presidential domination of American foreign affairs has become a commonplace after a half - century of unchecked expansion of executive powers. The emergence of a “presidential monopoly” over the conduct of foreign relations, built atop an extraordinary concentration of power in the president, reflects the doctrine of executive supremacy launched by the Supreme Court in United States v. Curtiss - Wright . 11 Across the decades, advocates of expansive presiden tial power in the realm of foreign affairs and national security have sought legal sanction in Justice George Sutherland’s opinion for the Court in Curtiss - Wright . In one way or another, the White House has adduced Sutherland’s characterization of the president as the “sole organ” of American foreign policy, endowed with plenary, inherent and extra - constitutional powers to initiate war, authorize torture, seize and detain American citizens indefinitely, set aside laws, establish military tribunals and s uspe nd and terminate treaties, in addition to assertions of authority to order covert operations, extraordinary rendition and warrantless wiretapping.

#### The plan’s precedent causes further constraint --- undermines overall war powers

Paul 8 Christopher, Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limitations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional cons quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Effective executive response is key to prevent global crises --- specifically: Iranian nuclearization, North African terrorism, Russian aggression, and Senkaku conflict

Ghitis 13 (Frida, world affairs columnist for The Miami Herald and World Politics Review. A former CNN producer and correspondent, she is the author of *The End of Revolution: A Changing World in the Age of Live Television*. “World to Obama: You can't ignore us,” 1/22, http://www.cnn.com/2013/01/22/opinion/ghitis-obama-world)

And while Obama plans to dedicate his efforts to the domestic agenda, a number of brewing international crises are sure to steal his attention and demand his time. Here are a few of the foreign policy issues that, like it or not, may force Obama to divert his focus from domestic concerns in this new term.¶ Syria unraveling: The United Nations says more than 60,000 people have already died in [a civil war t](http://www.cnn.com/2013/01/02/world/meast/syria-civil-war/index.html)hat the West has, to its shame, done little to keep from spinning out of control. Washington[has warned](http://www.nytimes.com/2012/12/04/world/middleeast/nato-prepares-missile-defenses-for-turkey.html?_r=0) that the use of chemical or biological weapons might force its hand. But the regime [may have already used them](http://www.reuters.com/article/2013/01/19/us-syria-chemical-newspaper-idUSBRE90I0JV20130119). The West has failed to nurture a moderate force in the conflict. Now Islamist extremists are growing [more powerful](http://www.al-monitor.com/pulse/originals/2013/01/fighter-syria-aleppo-turkey.html) within the opposition. The chances are growing that worst-case scenarios will materialize. Washington will not be able to endlessly ignore this dangerous war.¶ Egypt and the challenge of democracy: What happens in Egypt strongly influences the rest of the Middle East -- and hence world peace -- which makes it all the more troubling to see liberal democratic forces lose battle after battle for political influence against Islamist parties, and to hear blatantly [anti-Semitic speech](http://www.nytimes.com/2013/01/15/world/middleeast/egypts-leader-morsi-made-anti-jewish-slurs.html) coming from the mouth of Mohammed Morsy barely two years before he became president.¶ Iran's nuclear program: Obama took office promising a new, more conciliatory effort to persuade Iran to drop its nuclear enrichment program. Four years later, he has succeeded in implementing international sanctions, but Iran has continued enriching uranium, leading [United Nations inspectors](http://news.yahoo.com/un-credible-evidence-iran-working-nuke-weapons-153544271.html) to find "credible evidence" that Tehran is working on nuclear weapons. Sooner or later the moment of truth will arrive. If a deal is not reached, Obama will have to decide if he wants to be the president on whose watch a nuclear weapons race was unleashed in the most dangerous and unstable part of the world.¶ North Africa terrorism: A much-neglected region of the world is becoming increasingly difficult to disregard. In recent days, [Islamist extremists](http://edition.cnn.com/2013/01/18/opinion/ghitis-algeria-hostage-crisis/index.html?hpt=op_t1) took American and other hostages in Algeria and France sent its military to fight advancing Islamist extremists in Mali, a country that once represented optimism for democratic rule in Africa, now overtaken by militants who are potentially turning it into a staging ground for international terrorism.¶ Russia repression: As Russian President Vladimir Putin succeeds in [crushing opposition](http://www.france24.com/en/20121027-russian-opposition-leaders-detained-protest-navalny-udaltsov-vladimir-putin) to his [increasingly authoritarian](http://www.freedomhouse.org/report/freedom-world/2013/russia)rule, he and his allies are making anti-American words and policies their favorite theme. A recent ban on adoption of Russian orphans by American parents is only the most vile example. But Washington needs Russian cooperation to achieve its goals at the U.N. regarding Iran, Syria and other matters. It is a complicated problem with which Obama will have to wrestle.¶ Then there are the long-standing challenges that could take a turn for the worse, such as the Israeli-Palestinian conflict. Obama may not want to wade into that morass again, but events may force his hand.¶ And there are the so-called "black swans," events of low probability and high impact. [There is talk](http://www.economist.com/news/asia/21569757-armed-clashes-over-trivial-specks-east-china-sea-loom-closer-drums-war) that China and Japan could go to war over a cluster of disputed islands.¶ A war between two of the world's largest economies could prove devastating to the global economy, just as a sudden and dramatic reversal in the fragile Eurozone economy could spell disaster. Japan's is only the hottest of many territorial disputes between China and its Asian neighbors. Then there's North Korea with its nuclear weapons.¶ We could see regions that have garnered little attention come back to the forefront, such as Latin America, where conflict could arise in a post-Hugo Chavez Venezuela.¶ The president -- and the country -- could also benefit from unexpectedly positive outcomes. Imagine a happy turn of events in Iran, a breakthrough between Israelis and Palestinians, the return of prosperity in Europe, a successful push by liberal democratic forces in the Arab uprising countries, which could create new opportunities, lowering risks around the world, easing trade, restoring confidence and improving the chances for the very agenda Obama described in his inaugural speech.¶ The aspirations he expressed for America are the ones he should express for our tumultuous planet. Perhaps in his next big speech, the State of the Union, he can remember America's leadership position and devote more attention to those around the world who see it as a source of inspiration and encouragement.¶ After all, in this second term Obama will not be able to devote as small a portion of his attention to foreign policy as he did during his inaugural speech.¶ International disengagement is not an option. As others before Obama have discovered, history has a habit of toying with the best laid, most well-intentioned plans of American presidents.

###  K

#### Policy fixes cannot resolve structural problems in the capitalist system—their framework and solvency claims actively exclude anti-capitalist discourses—ensures serial policy failure and turns case

Wolff 8 — Rick Wolff, Professor of Economics at University of Massachusetts at Amherst, 2008 (“Policies to "Avoid" Economic Crises,” MR Zine—a publication of The Monthly Review, November 6th, Available Online at http://mrzine.monthlyreview.org/wolff061108.html, Accessed 11-19-2008)

The whole idea of policy is bizarre. The "right policy" represents an absurd claim that this or that law or regulation can somehow undo the many different factors that cumulatively produced this crisis. Policies are "magic potions" offered to populations urgently demanding solutions to real problems. Whether cynically advocated for ulterior motives or actually believed by the politicians, promoters, and professors themselves, policy is the secular cousin of religion.¶ These days, the conservative policy amounts, as usual, to "let the private economy solve the problems" and "minimize state intervention because it only makes matters worse." Conservatives protect the freedoms of private enterprise, market transactions, and the wealthy from state regulations and controls and from taxes. The liberals' policy, also as usual, wants the state to limit corporate behavior, control and shape market transactions, and tilt the tax system more toward benefiting middle and lower income groups.¶ Both policies can no more overcome this economic crisis than they overcame past crises. Historically, both conservative and liberal policies fail at least as often as they succeed. Which outcome happens depends on all the factors shaping them and not on the policy a government pursues. Yet, both sides endlessly claim otherwise in desperate efforts at self-justification. Each side trots out its basic philosophy – dressed up as "a policy to achieve solutions." Conservatives and liberals keep debating. Today's crisis simply provides an urgent sort of context for the old debate to continue. Each side hopes to win converts by suggesting that its approach will "solve the economic crisis" while the other's approach will make it worse. Thus the liberals displaced the conservatives in the depths of the Great Depression, the reverse happened in the recession of the 1970s, and the liberals may now regain dominance. In no instance were adopted policies successful in solving the crises in any enduring way. The unevenness and instability of capitalism as a system soon brought another crisis crashing down on our economy and society.¶ The basic conservative message holds that the current economic crisis is NOT connected to the underlying economic system. The crisis does NOT emerge from the structure of the corporate system of production. It is NOT connected to the fact that corporate boards of directors, responsible to the minority that owns most of their shares, make all the key economic decisions while the enterprise's employees and the vast majority of the citizenry have to live with the consequences. The very undemocratic nature of the capitalist system of production is NOT related to crisis in the conservative view. The basic liberal message likewise disconnects today's crisis from the capitalist production system. Rather, each side insists that all crises would have been and would now be "avoidable" if only the right policy were in place.¶ Conservatives and liberals share more than a careful avoidance of connecting the crisis to the underlying capitalist system. They are also complicit in blocking those who do argue for that connection from making their case in politics, the media, or the schools. While conservative and liberal policies do little to solve crises, the debate between them has largely succeeded in excluding anti-capitalist analyses of economic crises from public discussion. Perhaps that exclusion – rather than solving crises – is the function of those endlessly rehashed policy debates between liberals and conservatives.

#### Capitalism ensures environmental catastrophe—the impact is extinction

Speth, 08 [James Gustave Speth, law professor, Served as President Jimmy Carter’s White House environmental adviser and as head of the United Nations’ largest agency for international development Prof at Vermont law school, former dean of the Yale School of Forestry and Environmental Studies, former Professor of Law at Georgetown University Law Center, teaching environmental and constitutional law, former Chairman of the Council on Environmental Quality in the Executive Office of the President, co-founder of the Natural Resources Defense Council, The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability, ISBN: 9780300145304, EBrary, pg. 6-9]

The underlying drivers of today’s environmental deterioration have been clearly identified. They range from immediate forces like the enormous growth in human population and the dominant technologies deployed in the economy to deeper ones like the values that shape our behavior and determine what we consider important in life. Most basically, we know that environmental deterioration is driven by the economic activity of human beings. About half of today’s world population lives in abject poverty or close to it, with per capita incomes of less than two dollars a day. The struggle of the poor to survive creates a range of environmental impacts where the poor themselves are often the primary victims— for example, the deterioration of arid and semiarid lands due to the press of increasing numbers of people who have no other option. But the much larger and more threatening impacts stem from the economic activity of those of us participating in the modern, increasingly prosperous world economy. This activity is consuming vast quantities of resources from the environment and returning to the environment vast quantities of waste products. The damages are already huge and are on a path to be ruinous in the future. So, a fundamental question facing societies today— perhaps the fundamental question— is how can the operating instructions for the modern world economy be changed so that economic activity both protects and restores the natural world? With increasingly few exceptions, modern capitalism is the operating system of the world economy. I use “modern capitalism” here in a broad sense as an actual, existing system of political economy, not as an idealized model. Capitalism as we know it today encompasses the core economic concept of private employers hiring workers to produce products and services that the employers own and then sell with the intention of making a profit. But it also includes competitive markets, the price mechanism, the modern corporation as its principal institution, the consumer society and the materialistic values that sustain it, and the administrative state actively promoting economic strength and growth for a variety of reasons. Inherent in the dynamics of capitalism is a powerful drive to earn profits, invest them, innovate, and thus grow the economy, typically at exponential rates, with the result that the capitalist era has in fact been characterized by a remarkable exponential expansion of the world economy. The capitalist operating system, whatever its shortcomings, is very good at generating growth. These features of capitalism, as they are constituted today, work together to produce an economic and political reality that is highly destructive of the environment. An unquestioning society-wide commitment to economic growth at almost any cost; enormous investment in technologies designed with little regard for the environment; powerful corporate interests whose overriding objective is to grow by generating profit, including profit from avoiding the environmental costs they create; markets that systematically fail to recognize environmental costs unless corrected by government; government that is subservient to corporate interests and the growth imperative; rampant consumerism spurred by a worshipping of novelty and by sophisticated advertising; economic activity so large in scale that its impacts alter the fundamental biophysical operations of the planet— all combine to deliver an ever-growing world economy that is undermining the planet’s ability to sustain life. The fundamental question thus becomes one of transforming capitalism as we know it: Can it be done? If so, how? And if not, what then? It is to these questions that this book is addressed. The larger part of the book proposes a variety of prescriptions to take economy and environment off collision course. Many of these prescriptions range beyond the traditional environmental agenda. In Part I of the book, Chapters 1– 3, I lay the foundation by elaborating the fundamental challenge just described. Among the key conclusions, summarized here with some oversimplification, are: • The vast expansion of economic activity that occurred in the twentieth century and continues today is the predominant (but not sole) cause of the environmental decline that has occurred to date. Yet the world economy, now increasingly integrated and globalized, is poised for unprecedented growth. The engine of this growth is modern capitalism or, better, a variety of capitalisms. A mutually reinforcing set of forces associated with today’s capitalism combines to yield economic activity inimical to environmental sustainability. This result is partly the consequence of an ongoing political default— a failed politics— that not only perpetuates widespread market failure— all the nonmarket environmental costs that no one is paying— but exacerbates this market failure with deep and environmentally perverse subsidies. The result is that our market economy is operating on wildly wrong market signals, lacks other correcting mechanisms, and is thus out of control environmentally. The upshot is that societies now face environmental threats of unprecedented scope and severity, with the possibility of various catastrophes, breakdowns, and collapses looming as distinct possibilities, especially as environmental issues link with social inequities and tensions, resource scarcity, and other issues. • Today’s mainstream environmentalism— aptly characterized as incremental and pragmatic “problem solving”—has proven insufficient to deal with current challenges and is not up to coping with the larger challenges ahead. Yet the approaches of modern-day environmentalism, despite their limitations, remain essential: right now, they are the tools at hand with which to address many very pressing problems. The momentum of the current system— fifty-five trillion dollars in output in 2004, growing fast, and headed toward environmental disaster— is so great that only powerful forces will alter the trajectory. Potent measures are needed that address the root causes of today’s destructive growth and transform economic activity into something environmentally benign and restorative. • In short, my conclusion, after much searching and considerable reluctance, is that most environmental deterioration is a result of systemic failures of the capitalism that we have today and that long-term solutions must seek transformative change in the key features of this contemporary capitalism. In Part II, I address these basic features of modern capitalism, in each case seeking to identify the transformative changes needed.

#### Women are exploited around the world under the capitalist system

Kovel, 7 — Joel Kovel, Professor of Social Studies, The Enemy of Nature: The End of Capitalism or the End of the World, p. 56, 2007

A similar process 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 burgeon­ sex trade industries, where numberless women have now, in via 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, lair }{one that a recent UNICEF report indicates that nearly half world's women come under attack by those closest to them. This was not at all the case in precapitalist societies.

#### When confronted with the choice to affirm the plan, our alternative is to reject policy solutions in favor of withdrawal from the system in order to create new democratic socialist relations. We’ll clarify.

#### Withdrawal is effective—gutting capitalist structures is crucial to force capitalism out of existence

Herod 7 — James Herod, author, social commentator, and long-time union and social justice activist, last updated in 2007 (“The Strategy Described Abstractly ,” Getting Free: Creating an Association of Democratic Autonomous Neighborhoods, Published by LucyParsonsCenter, Available Online at http://site.www.umb.edu/faculty/salzman\_g/Strate/GetFre/5thEd/PrintEd.htm, Accessed 09-10-2008)

It is time to try to describe, at first abstractly and later concretely, a strategy for destroying capitalism. At its most basic, this strategy calls for pulling time, energy, and resources out of capitalist civilization and putting them into building a new civilization. The image, then, is one of emptying out capitalist structures, hollowing them out, by draining wealth, power, and meaning from them until there is nothing left but shells.¶ This is definitely an aggressive strategy. It requires great militancy and constitutes an attack on the existing order. The strategy clearly recognizes that capitalism is the enemy and must be destroyed, but it is not a frontal attack aimed at overthrowing the system; it is an inside attack aimed at gutting it, while simultaneously replacing it with something better, something we want.¶ Thus, capitalist structures (corporations, governments, banks, schools, etc.) are not seized so much as simply abandoned. Capitalist relations are not fought so much as they are simply rejected. We stop participating in activities that support (finance, condone) the capitalist world and start participating in activities that build a new world while simultaneously undermining the old. We create a new pattern of social relations alongside capitalist ones, and then continually build and strengthen our new pattern while doing everything we can to weaken capitalist relations. In this way our new democratic, nonhierarchical, noncommodified relations can eventually overwhelm the capitalist relations and force them out of existence.¶ This is how it has to be done. This is a plausible, realistic strategy. To think that we could create a whole new world of decent social arrangements overnight, in the midst of a crisis, during a so‑called revolution or the collapse of capitalism, is foolhardy. Our new social world must grow within the old, and in opposition to it, until it is strong enough to dismantle and abolish capitalist relations. Such a revolution will never happen automatically, blindly, determinably, because of the inexorable materialist laws of history. It will happen, and only happen, because we want it to, and because we know what we’re doing and how we want to live, what obstacles have to be overcome before we can live that way, and how to distinguish between our social patterns and theirs.¶ But we must not think that the capitalist world can simply be ignored, in a live-and-let-live attitude, while we try to build new lives elsewhere. (As mentioned earlier, there is no elsewhere.) There is at least one thing, wage slavery, that we can’t simply stop participating in (but even here there are ways we can chip away at it). Capitalism must be explicitly refused and replaced by something else. This constitutes war, but it is not a war in the traditional sense of armies and tanks; it is a war fought on a daily basis, on the level of everyday life, by millions of people. It is a war nevertheless because the accumulators of capital will use coercion, brutality, and murder, as they have always done in the past, to try to block any rejection of the system. They have always had to force compliance; they will not hesitate to continue to do so. Still, there are many concrete ways that individuals, groups, and neighborhoods can gut capitalism, which I will enumerate shortly.¶ We must always keep in mind how we became slaves; then we can see more clearly how we can cease being slaves. We were forced into wage slavery because the ruling class slowly, systematically, and brutally destroyed our ability to live autonomously. By driving us off the land, changing the property laws, dismantling community rights, destroying our tools, imposing taxes, gutting our local markets, and so forth, we were forced onto the labor market in order to survive, our only remaining option being to sell our ability to work for a wage.¶ It’s quite clear, then, how we can overthrow slavery: we must reverse this process. We must begin to reacquire the ability to live without working for a wage or buying the products made by wage slaves (that is, we must free ourselves from the labor market and the way of living based on it), and embed ourselves instead in cooperative labor and cooperatively produced goods.¶ Another clarification is needed. This strategy does not call for reforming capitalism, for changing capitalism into something else. It calls for totally replacing capitalism with a new civilization. This is an important distinction because capitalism has proved impervious to reforms as a system. We can sometimes, in some places, win certain concessions from it (usually only temporary ones) and some (usually short‑lived) improvements in our lives as its victims, but we cannot reform it piecemeal.¶ Hence, our strategy of gutting and eventually destroying capitalism requires at a minimum a totalizing image, an awareness that we are attacking an entire way of life and replacing it with another, and not merely reforming one way of life into something else. Many people may not be accustomed to thinking about entire systems and social orders, but everyone knows what a lifestyle is, or a way of life, and that is the way we should approach it.¶ The thing is this: in order for capitalism to be destroyed, millions and millions of people must be dissatisfied with their way of life. They must want something else and see certain existing things as obstacles to getting what they want. It is not useful to think of this as a new ideology. It is not merely a belief system that is needed, like a religion, or like marxism or anarchism. Rather it is a new prevailing vision, a dominant desire, an overriding need. What must exist is a pressing desire to live a certain way and not to live another way. If this pressing desire were a desire to live free, to be autonomous, to live in democratically controlled communities, to participate in the self-regulating activities of a mature people, then capitalism could be destroyed. Otherwise, we are doomed to perpetual slavery and possibly even to extinction.¶

### CP

#### The United States executive branch should prohibit the exclusion of women from the Armed Forces introduced into hostilities.

#### The United States executive branch should engage in a high-profile public awareness campaign about this change in policy and the importance of women in the Armed Forces and their role in hostilities.

#### Counterplan solves cred and the case

Adrian Vermeule 7, Harvard law prof - AND - Eric Posner - U Chicago law, The Credible Executive, 74 U. Chi. L. Rev. 865

\*We do not endorse gendered language

The Madisonian system of oversight has not totally failed. Some- times legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative preroga- tives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion un- checked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is. It is often assumed that this partial failure of the Madisonian sys- tem unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are un- certain and possibly nefarious. The partial failure of Madisonian over- sight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off. Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an executive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such. ¶ IV. EXECUTIVE SIGNALING: LAW AND MECHANISMS ¶ We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well- motivated ones, thus distinguishing themselves from their ill- motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations. ¶ This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or govern- ment officials. In constitutional theory, it is often suggested that consti- tutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which govern- ments commit themselves not to expropriate investments or to exploit their populations.72 Whether or not this picture is coherent,73 it is not the question we examine here, although some of the relevant consid- erations are similar.74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. ¶ Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitu- tional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these con- straints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types. ¶ We begin with some relevant law, then examine a set of possible mechanisms—emphasizing both the conditions under which they might succeed and the conditions under which they might not—and conclude by examining the costs of credibility. ¶ A. A Preliminary Note on Law and Self-Binding ¶ Many of our mechanisms are unproblematic from a legal per- spective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self- binding.75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense pro- curement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of self-binding:

#### The counterplan maintains the benefits of the unitary executive while deterring excessive presidential adventurism

Neal Katyal 6, prof, Georgetown law, Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within, 115 Yale L.J. 2314

This Essay's proposed reforms reflect a more textured conception of the presidency than either the unitary executivists or their critics espouse. In contrast to the unitary executivists, I believe that the simple fact that the President should be in control of the executive branch does not answer the question of how institutions should be structured to encourage the most robust flow of advice to the President. Nor does that fact weigh against modest internal checks that, while subject to presidential override, could constrain presidential adventurism on a day-to-day basis. And in contrast to the doubters of the unitary executive, I believe a unitary executive serves important values, particularly in times of crisis. Speed and dispatch are often virtues to be celebrated.¶ Instead of doing away with the unitary executive, this Essay proposes designs that force internal checks but permit temporary departures when the need is great. Of course, the risk of incorporating a presidential override is that its great formal power will eclipse everything else, leading agency officials to fear that the President will overrule or fire them. But just as a filibuster does not tremendously constrain presidential action, modest internal checks, buoyed by reporting requirements, can create sufficient deterrent costs.¶ [\*2319] Let me offer a brief word about what this Essay does not attempt. It does not propose a far-reaching internal checking system on all presidential power, domestic and foreign. Instead, this Essay takes a case study, the war on terror, and uses the collapse of external checks and balances to demonstrate the need for internal ones. In this arena, public accountability is low - not only because decisions are made in secret, but also because they routinely impact only people who cannot vote (such as detainees). In addition to these process defects, decisions in this area often have subtle long-term consequences that short-term executivists may not fully appreciate. n9

#### Executive self-restraint is the only way to solve the case

Gillian Metzger 9, prof, Columbia Law, THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS 59 Emory L.J. 423

The case in favor of internal mechanisms is in part comparative. Real limitations exist on the ability of traditional external constraints, specifically Congress and the courts, to check the power of the Executive Branch. The fundamental impediments for Congress are internal ones, in particular its need to proceed via the arduous process of bicameralism and presentment and the additional obstacles created by the operation of congressional committees and rules. n62 The ordinary burdens of the legislative process are intensified in contexts involving efforts to check presidential authority given the frequent need to overcome a presidential veto. n63 Congress does wield important investigatory and oversight powers and has other tools that may give it leverage over the President, such as control over spending or the ability to add contentious measures to must-pass legislation. n64 But the political reality of party allegiance dominating institutional interests, along with greater ideological cohesion among political parties in Congress, undermines these techniques and makes rigorous congressional constraints on presidential actions unlikely except in the context of divided government. n65 Moreover, [\*438] even if Congress is willing to actually engage in oversight, its ability to do so may be significantly hampered by the Executive Branch's non-cooperation or intransigence, often in the form of assertion of executive privilege or failure to inform Congress of contentious activities. n66¶ Courts, in turn, face jurisdictional barriers that limit their ability to review Executive Branch actions. n67 Such barriers have recently surfaced in litigation challenging the government's expansion of domestic wiretapping without complying with the Foreign Intelligence Surveillance Act; the Sixth Circuit held that the plaintiffs' claims of injury from the program were too speculative to provide a basis for standing to challenge the program. n68 Even when actions are justiciable, the courts' effectiveness as a check can be significantly curtailed by their deference to reasonable Executive Branch policy [\*439] determinations, particularly in the area of national security. n69 Courts are also reluctant to intervene to correct general failures in administration or prompt Executive Branch action. n70 Another major impediment is delay. Courts must wait for cases to come to them, and challenges to presidential action or policy are likely to be appealed, postponing final resolution of the underlying claims. n71 This is not to say that deference and delay necessarily undermine judicial checks; the Supreme Court's rejection of the Bush Administration's refusal to regulate greenhouse gas emissions in Massachusetts v. EPA n72 and recent decisions rebuffing broad presidential assertions of power regarding the Guantanamo Bay detainees n73 are important testaments to the contrary. Yet even in these contexts, the limits of judicial constraints are evident. For example, although the EPA proposed regulating greenhouse gases under the Clean Air Act in response to the Massachusetts decision, the White House refused to act on the proposal and no formal action toward regulating greenhouse gases was taken in the remaining year and a half of the Bush Administration. n74 The ongoing, multi-year saga of habeas challenges involving the Guantanamo Bay detention center demonstrates even more vividly that it can be years before judicial review forces a change in Executive Branch behavior. n75¶ Several bases exist for thinking that internal separation of powers mechanisms may have a comparative advantage. First, internal mechanisms [\*440] operate ex ante, at the time when the Executive Branch is formulating and implementing policy, rather than ex post. As a result, they avoid the delay in application that can hamper both judicial and congressional oversight. n76 Second, internal mechanisms often operate continuously, rather than being limited to issues that generate congressional attention or arise in the form of a justiciable challenge. n77 Third, internal mechanisms operate not just at the points at which policy proposals originate and are implemented but also at higher managerial levels, thus addressing policy and administration in both a granular and systemic fashion. In addition, policy recommendations generated through internal checks may face less resistance than those offered externally because the latter frequently arise after executive officials have already decided upon a policy course and are more likely to take an adversarial form. n78 Internal mechanisms may also gain credibility with Executive Branch officials to the extent they are perceived as contributing to more fully informed and expertise-based decisionmaking. n79

### Case

#### Their patriarchy impacts are contrived, reductionist, essentialist, and fracture resistance

Crenshaw 2 [Carrie Crenshaw PhD, Former President of CEDA, “Perspectives In Controversy: Selected Articles from Contemporary Argumentation and Debate” 2002 p. 119-126]

Feminism is not dead. It is alive and well in intercollegiate debate. Increasingly, students rely on feminist authors to inform their analysis of resolutions. While I applaud these initial efforts to explore feminist thought, I am concerned that such arguments only exemplify the general absence of sound causal reasoning in debate rounds. Poor causal reasoning results from a debate practice that privileges empirical proof over rhetorical proof, fostering ignorance of the subject matter being debated. To illustrate my point, I claim that debate arguments about feminists suffer from a reductionism that tends to marginalize the voices of significant feminist authors. David Zarefsky made a persuasive case for the value of causal reasoning in intercollegiate debate as far back as 1979. He argued that causal arguments are desirable for four reasons. First, causal analysis increases the control of the arguer over events by promoting understanding of them. Second, the use of causal reasoning increases rigor of analysis and fairness in the decision-making process. Third, causal arguments promote understanding of the philosophical paradox that presumably good people tolerate the existence of evil. Finally, causal reasoning supplies good reasons for “commitments to policy choices or to systems of belief which transcend whim, caprice, or the non-reflexive “claims of immediacy” (117-9). Rhetorical proof plays an important role in the analysis of causal relationships. This is true despite the common assumption that the identification of cause and effect relies solely upon empirical investigation. For Zarefsky, there are three types of causal reasoning. The first type of causal reasoning describes the application of a covering law to account for physical or material conditions that cause a resulting event This type of causal reasoning requires empirical proof prominent in scientific investigation. A second type of causal reasoning requires the assignment of responsibility. Responsible human beings as agents cause certain events to happen; that is, causation resides in human beings (107-08). A third type of causal claim explains the existence of a causal relationship. It functions “to provide reasons to justify a belief that a causal connection exists” (108). The second and third types of causal arguments rely on rhetorical proof, the provision of “good reasons” to substantiate arguments about human responsibility or explanations for the existence of a causal relationship (108). I contend that the practice of intercollegiate debate privileges the first type of causal analysis. It reduces questions of human motivation and explanation to a level of empiricism appropriate only for causal questions concerning physical or material conditions. Arguments about feminism clearly illustrate this phenomenon. Substantive debates about feminism usually take one of two forms. First, on the affirmative, debaters argue that some aspect of the resolution is a manifestation of patriarchy. For example, given the spring 1992 resolution, “[rjesolved: That advertising degrades the quality of life," many affirmatives argued that the portrayal of women as beautiful objects for men's consumption is a manifestation of patriarchy that results in tangible harms to women such as rising rates of eating disorders. The fall 1992 topic, "(rjesolved: That the welfare system exacerbates the problems of the urban poor in the United States," also had its share of patri- archy cases. Affirmatives typically argued that women's dependence upon a patriarchal welfare system results in increasing rates of women's poverty. In addition to these concrete harms to individual women, most affirmatives on both topics, desiring "big impacts," argued that the effects of patriarchy include nightmarish totalitarianism and/or nuclear annihilation. On the negative, many debaters countered with arguments that the some aspect of the resolution in some way sustains or energizes the feminist movement in resistance to patriarchal harms. For example, some negatives argued that sexist advertising provides an impetus for the reinvigoration of the feminist movement and/or feminist consciousness, ultimately solving the threat of patriarchal nuclear annihilation. likewise, debaters negating the welfare topic argued that the state of the welfare system is the key issue around which the feminist movement is mobilizing or that the consequence of the welfare system - breakup of the patriarchal nuclear family -undermines patriarchy as a whole. Such arguments seem to have two assumptions in common. First, there is a single feminism. As a result, feminists are transformed into feminism. Debaters speak of feminism as a single, monolithic, theoretical and pragmatic entity and feminists as women with identical motivations, methods, and goals. Second, these arguments assume that patriarchy is the single or root cause of all forms of oppression. Patriarchy not only is responsible for sexism and the consequent oppression of women, it also is the cause of totalitarianism, environmental degradation, nuclear war, racism, and capitalist exploitation. These reductionist arguments reflect an unwillingness to debate about the complexities of human motivation and explanation. They betray a reliance upon a framework of proof that can explain only material conditions and physical realities through empirical quantification. The transformation of feminists 'Mo feminism and the identification of patriarchy as the sole cause of all oppression is related in part to the current form of intercollegiate debate practice. By "form," I refer to Kenneth Burke's notion of form, defined as the "creation of appetite in the mind of the auditor, and the adequate satisfying of that appetite" (Counter-Statement 31). Though the framework for this understanding of form is found in literary and artistic criticism, it is appropriate in this context; as Burke notes, literature can be "equipment for living" (Biilosophy 293). He also suggests that form "is an arousing and fulfillment of desires. A work has form in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence" (Counter-Statement 124). Burke observes that there are several aspects to the concept of form. One of these aspects, conventional form, involves to some degree the appeal of form as form. Progressive, repetitive, and minor forms, may be effective even though the reader has no awareness of their formality. But when a form appeals as form, we designate it as conventional form. Any form can become conventional, and be sought for itself - whether it be as complex as the Greek tragedy or as compact as the sonnet (Counter-Statement 126). These concepts help to explain debaters' continuing reluctance to employ rhetorical proof in arguments about causality. Debaters practice the convention of poor causal reasoning as a result of judges' unexamined reliance upon conventional form. Convention is the practice of arguing single-cause links to monolithic impacts that arises out of custom or usage. Conventional form is the expectation of judges that an argument will take this form. Common practice or convention dictates that a case or disadvantage with nefarious impacts causally related to a single link will "outweigh" opposing claims in the mind of the judge. In this sense, debate arguments themselves are conventional. Debaters practice the convention of establishing single-cause relationships to large monolithic impacts in order to conform to audience expectation. Debaters practice poor causal reasoning because they are rewarded for it by judges. The convention of arguing single-cause links leadsthe judge to anticipate the certainty of the impact and to be gratified by the sequence. I suspect that the sequence is gratifying for judges because it relieves us from the responsibility and difficulties of evaluating rhetorical proofs. We are caught between our responsibility to evaluate rhetorical proofs and our reluctance to succumb to complete relativism and subjectivity. To take responsibility for evaluating rhetorical proof is to admit that not every question has an empirical answer. However, when we abandon our responsibility to rhetorical proofs, we sacrifice our students' understanding of causal reasoning. The sacrifice has consequences for our students' knowledge of the subject matter they are debating. For example, when feminism is defined as a single entity, not as a pluralized movement or theory, that single entity results in the identification of patriarchy as the sole cause of oppression. The result is ignorance of the subject position of the particular feminist author, for highlighting his or her subject position might draw attention to the incompleteness of the causal relationship between link and impact Consequently, debaters do not challenge the basic assumptions of such argumentation and ignorance of feminists is perpetuated. Feminists are not feminism. The topics of feminist inquiry are many and varied, as are the philosophical approaches to the study of these topics. Different authors have attempted categorization of various feminists in distinctive ways. For example, Alison Jaggar argues that feminists can be divided into four categories: liberal feminism, marxist feminism, radical feminism, and socialist feminism. While each of these feminists may share a common commitment to the improvement of women's situations, they differ from each other in very important ways and reflect divergent philosophical assumptions that make them each unique. Linda Alcoff presents an entirely different categorization of feminist theory based upon distinct understandings of the concept "woman," including cultural feminism and post-structural feminism. Karen Offen utilizes a comparative historical approach to examine two distinct modes of historical argumentation or discourse that have been used by women and their male allies on behalf of women's emancipation from male control in Western societies. These include relational feminism and individualist feminism. Elaine Marks and Isabelle de Courtivron describe a whole category of French feminists that contain many distinct versions of the feminist project by French authors. Women of color and third-world feminists have argued that even these broad categorizations of the various feminism have neglected the contributions of non-white, non-Western feminists (see, for example, hooks; Hull; Joseph and Lewis; Lorde; Moraga; Omolade; and Smith). In this literature, the very definition of feminism is contested. Some feminists argue that "all feminists are united by a commitment to improving the situation of women" (Jaggar and Rothenberg xii), while others have resisted the notion of a single definition of feminism, bell hooks observes, "a central problem within feminist discourse has been our inability to either arrive at a consensus of opinion about what feminism is (or accept definitions) that could serve as points of unification" (Feminist Theory 17). The controversy over the very definition of feminism has political implications. The power to define is the power both to include and exclude people and ideas in and from that feminism. As a result, [bjourgeois white women interested in women's rights issues have been satisfied with simple definitions for obvious reasons. Rhetorically placing themselves in the same social category as oppressed women, they were not anxious to call attention to race and class privilege (hooks. Feminist Wieory 18). Debate arguments that assume a singular conception of feminism include and empower the voices of race- and class-privileged women while excluding and silencing the voices of feminists marginalized by race and class status. This position becomes clearer when we examine the second assumption of arguments about feminism in intercollegiate debate - patriarchy is the sole cause of oppression. Important feminist thought has resisted this assumption for good reason. Designating patriarchy as the sole cause of oppression allows the subjugation of resistance to other forms of oppression like racism and classism to the struggle against sexism. Such subjugation has the effect of denigrating the legitimacy of resistance to racism and classism as struggles of equal importance. "Within feminist movement in the West, this led to the assumption that resisting patriarchal domination is a more legitimate feminist action than resisting racism and other forms of domination" (hooks. Talking Back 19). The relegation of struggles against racism and class exploitation to offspring status is not the only implication of the "sole cause" argument In addition, identifying patriarchy as the single source of oppression obscures women's perpetration of other forms of subjugation and domination, bell hooks argues that we should not obscure the reality that women can and do partici- pate in politics of domination, as perpetrators as well as victims - that we dominate, that we are dominated. If focus on patriarchal domination masks this reality or becomes the means by which women deflect attention from the real conditions and circumstances of our lives, then women cooperate in suppressing and promoting false consciousness, inhibiting our capacity to assume responsibility for transforming ourselves and society (hooks. Talking Back 20). Characterizing patriarchy as the sole cause of oppression allows mainstream feminists to abdicate responsibility for the exercise of class and race privilege. It casts the struggle against class exploitation and racism as secondary concerns. Current debate practice promotes ignorance of these issues because debaters appeal to conventional form, the expectation of judges that they will isolate a single link to a large impact Feminists become feminism and patriarchy becomes the sole cause of all evil. Poor causal arguments arouse and fulfill the expectation of judges by allowing us to surrender our responsibility to evaluate rhetorical proof for complex causal relationships. The result is either the mar-ginalization or colonization of certain feminist voices. Arguing feminism in debate rounds risks trivializing feminists. Privileging the act of speaking about feminism over the content of speech "often turns the voices and beings of non-white women into commodity, spectacle" (hooks, Talking Back 14). Teaching sophisticated causal reasoning enables our students to learn more concerning the subject matter about which they argue. In this case, students would learn more about the multiplicity of feminists instead of reproducing the marginalization of many feminist voices in the debate itself. The content of the speech of feminists must be investigated to subvert the colonization of exploited women. To do so, we must explore alternatives to the formal expectation of single-cause links to enormous impacts for appropriation of the marginal voice threatens the very core of self-determination and free self-expression for exploited and oppressed peoples. If the identified audience, those spoken to, is determined solely by ruling groups who control production and distribution, then it is easy for the marginal voice striving for a hearing to allow what is said to be overdetermined by the needs of that majority group who appears to be listening, to be tuned in (hooks, Talking Back 14).

#### War turns gender, not the other way around

Joshua Goldstein 1, Professor of Int’l Relations, American University, War and Gender, p. 412, google books

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps. among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.9 So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

#### Their root cause argument ignores the domination of vast amounts of people – leads to passivity and divisiveness

**Smith,** leading member of the US International Socialist Organization, **1994**

Sharon, International Socialism 62 Spring, <http://www.isj.org.uk/index.php4?id=311>

Within a few years of its founding, the radical wing of the women’s movement in the US had fragmented into inward looking consciousness-raising groups or personalistic living collectives. The slogan, ‘The personal is political,’ had been carried to its logical conclusion: changing one’s lifestyle was what mattered, not changing the world. Radical feminists had rejected the socialist explanation that the source of women’s oppression lies in class society, but replaced it with a theory which could not lead the movement forward. The reason was straightforward. The theory of patriarchy divorced the cause of women’s oppression from class society—a system which oppresses and exploits the vast majority of people for the benefit of a very few. Instead it targeted men—and men’s need to dominate women—as the root of the problem. This left the problem of women’s oppression as one to be fought out at the level of individual relationships. And it excluded men, whatever their social class, from playing a role in fighting for women’s liberation. Moreover, since separatism explains the division between men and women as biologically rooted, this means that the rupture must be permanent.

However radical the concept of patriarchy may have sounded in theory, in practice it was a recipe for passivity and divisiveness. Particularly when combined with the high degree of personalism which existed, the logic of separatism promoted fragmentation rather than unity on the basis of oppression. At the same time as it played down the immense differences which exist between women of different classes. The politics of separatism led directly to fragmentation even within radical feminist organisations. Although separatist theory argues that the main division in society is between men and women, it reduces women’s oppression to a problem of personal relationships. If that reasoning is used to understand other forms of oppression, then men are not the only oppressors: whites are oppressors, straight people are oppressors, and so forth. And many women suffer multiple forms of oppression, as victims of national or racial discrimination, or as lesbians. During the 1970s, as activism declined, radical feminist collectives became more and more fragmented and demoralised, and whole organisations became internalised and splintered along these lines.

#### Patriarchy is inevitable – feminists concede

Allan C. **Carlson** 04/22/**08** “The Natural Family Dimly Seen through Feminist Eyes” (MA 49:4, Fall 2007) http://www.firstprinciplesjournal.com/print.aspx?article=597&loc=b&type=cbtp

Patriarchy is inevitable, as **1**he more gloomy of the feminist theorists have admitted. Sylvia Walby summarizes: “Women are no longer restricted to the domestic hearth, but have the whole society in which to roam and be exploited.” [36] She errors only in failing to recognize the real source of patriarchy and to appreciate her real choice. Paleoanthropologists now know that even before the first hominids on the African savanna had gone bi-pedal, these promising creatures were conjugal; that is, they were pairing off in long term bonds, where the females traded sexual exclusivity for the provisioning and protection provided by individual males. According to C. Owen Lovejoy, these social inventions of marriage and fatherhood—not expansion of the brain case—were the decisive steps in human evolution, and they occurred well over three million years ago. [37] Nothing important has changed since. Women cannot successfully raise children on their own. When they try to do so in large numbers, the results are poverty, violence, and misery (for proof, simply visit the average American urban ghetto). Women need some entity that will help them gain food, clothing, and shelter and that will control the boys. There are only two practical options: either the private patriarch (who is, in the end, simply the conventional husband), a figure who is adept at breadwinning and taming the lads; or the public patriarch (i.e., the welfare state), which provides food stamps, public housing, and day care subsidies and eventually jails a large share of the boys. The first choice is compatible with health, happiness, wealth creation, and political liberty. The second choice is a sure path to the servile state.

#### Their conception of violence is reductive and can’t be solved

**Boulding 77**

 Twelve Friendly Quarrels with Johan Galtung

Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published

 Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

 He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

 Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

#### War outweighs structural violence- their impact can’t turn ours

**Boulding 90** (Kenneth E., Conflict: Readings in Management and Resolution, Ed: John Burton, pg. 40-41)

I must confess that when I first became involved with the peace research enterprise 25 years ago I had hopes that it might produce something like the Keynesian revolution in economics, which was the result of some rather simple ideas that had never really been thought out clearly before (though they had been anticipated by Malthus and others), coupled with a substantial improvement in the information system with the development of national income statistics which reinforced this new theoretical framework. As a result, we have had in a single generation a very massive change in what might be called the "conventional wisdom" of economic policy, and even though this conventional wisdom is not wholly wise, there is a world of difference between Herbert Hoover and his total failure to deal with the Great Depression, simply because of everybody's ignorance, and the moderately skillful handling of the depression which followed the change in oil prices in 1-974, which, compared with the period 1929 to 1932, was little more than a bad cold compared with a galloping pneumonia. In the international system, however, there has been only glacial change in the conventional wisdom. There has been some improvement.Kissinger was an improvement on John Foster Dulles. We have had the beginnings of detente, and at least the possibility on the horizon of stable peace between the United States and the Soviet Union, indeed in the whole temperate zone-even though the tropics still remain uneasy and beset with arms races, wars, and revolutions which we cannot really afford. Nor can we pretend that peace around the temperate zone is stable enough so that we do not have to worry about it. The qualitative arms race goes on and could easily take us over the cliff. The record of peace research in the last generation, therefore, is one of very partial success. It has created a discipline and that is something of long-run consequence, most certainly for the good. It has made very little dent on the conventional wisdom of the policy makers anywhere in the world. It has not been able to prevent an arms race, any more, I suppose we might say, than the Keynesian economics has been able to prevent inflation. But whereas inflation is an inconvenience, the arms race may well be another catastrophe. Where, then, do we go from here? Can we see new horizons for peace and conflict research to get it out of the doldrums in which it has been now for almost ten years? The challenge is surely great enough. It still remains true that war, the breakdown of Galtung's "negative peace," remains the greatest clear and present danger to the human race, a danger to human survival far greater than poverty, or injustice, or oppression, desirable and necessary as it is to eliminate these things.

# 2NC

## Solvency

Plan: The United States federal government should statutorily prohibit the exclusion of women from the Armed Forces introduced into hostilities.

If Patriarchy is so overarching, they cannot solve through a policy fix —

They only prohibit exclusion of woman DURING introductions into hostilities.

—they will discriminate during non-hostilities

—military won’t declare modern wars hostilities

—reinterpret exclusion of Women — the aff has advanced the arg that current training requirements are sexist, but the military will interpret the status quo as compliance with a statute that ban’s exclusion of women

c/x of the 1AC — say that they ban exclusion statutorily — don’t define what exclusion is — military will redefine to allow for exclusion based on fitness standards, which they likely won’t consider sexist

No causal solvency — alt causes overwhelm terminal impact

1. Other Countries
2. Non—military government
3. Societal Patrarchy — that’s their Warren and Kady

### Violation

#### War power is the power to conduct war as commander in chief

Blacks Law

#### Bradly and Goldsmith —

Congress justifying acts of war — authority beyond what congress has authorized — we agree

#### Introduction—

Key distinction — Ely “assignment to command, coridinate, participate when forces are engaged

They un-limit the topic — impresise nature — any change in USAF, any change in Drone Policy — way its organized — who is involved — allows for affs that restrict any particular action

Limits is the controlling impact — small lit bases produce in-depth research, which creates clash — improves pre-round education and in-round critical thinking — preparation is a pre-requisite to accessing their ground/education impacts.

## T

#### The particular standard of types of combat troops in the USAF isn’t a war power authority —

War power authority is a constitutional term that refers to the ability of the president to wage war —

Urias indicates the arraignment of USAF as an authority — NOT a war powers authority.

#### They have no evidence that this is an authority bestowed by congress that could then be restricted by congress

In fact, this is about the particular operation of the military which is not a war power, but falls under the executive power as commander in chief.

### AT: Reasonability

Competing interps create a race to the top — find most defensible definitions.

Our standards prove they’re unreasonable.

It’s arbitrary—reasonability is subjective — makes 2NR choice impossible.

## K

### 2NC—Framework

#### Framework—

First, the critique is an impact turn—even if we lose f/w, we still access our offence.

#### The role of the ballot is to choose between competing political strategies.

The central question of the debate is “How do we deal with harms?” Voting aff represents *patchwork policy solutions* to mitigate capitalist harms. Voting neg represents *reforming* the underlying economic system. If we win our link arguments, you cannot separate the plan from its political orientation towards capitalism.

#### No link to their theoretical DAs—

The aff has *infinite prep* and *editorial control*—*links must stem from the 1AC* which means that if the aff can defend their truth claims, they will beat the critique—specific links prove that this critique is *relevant*, *predictable* and contributes to *topic education*.

No terminal uniqueness for fairness—resource disparities caused by the capitalist system ensure inequality within competitive debate.

#### However, their interpretation is a link—

Policy debates exclude anti-capitalist analysis from public discourse by placating the public with policy quick-fixes—that’s Wolff—turns terminal impact to education—good policy makers only preserve the capitalist system—this means you must evaluate the critique before framework—if capitalism is bad, than you should not consider individual policy changes like the plan.

Independently, ensures *serial policy failure* because the success of individual policies dependents on the economic system—only reforming capitalism can create change.

### 2NC—Condo Good

#### Counter-interpretation—one conditional CP/one conditional critique.

Standards—

Argument Innovation—debaters are risk-averse—a fallback strategy encourages introduction of new positions—solves research skills.

Neg Flex—in-round testing is critical to balance aff prep.

Nuanced Advocacy—contradictory positions force aff defense of the political middle-ground through specific solvency deficits—prevents ideological extremism.

Strategic Thinking—causes introduction of the best arguments—necessitates intelligent coverage decisions—key to info processing and argument evaluation.

[If Dispo] Logic—a decision maker can always chose the status quo.

Substance crowd-out—re-appropriating time spent on condo solves fairness offense.

High Threshold—the 2AR is reactive and persuasive—theory has a 1-to-5 time trade-off—unless we make debate impossible, vote neg.

Defense—

Fairness impossible—resource and coaching differentials—no terminal impact—no one quits b/c of the process CP.

Skew inevitable—DAs and T

Contradictions inevitable—Security K and Deterrence DA

2NR collapse solves depth.

Cheating strategies lose to theory & competition args.

Judge is a referee—potential abuse isn’t a voter—blaming us for other teams behavior is unfair—voting down abuse solves their offence.

### 2NC—Permutation/Link

#### Permutation begs the question of framework—

The aff must defend their political strategy—any link proves the perm severs the 1AC pro-capitalist stance.

Severance and intrinsic perms are a voting issue because they make the aff *a moving target*—the 1AC is the stasis point of the debate—revisions let the aff can duck the links to DAs and competition.

#### Crisis Politics DA—reject the logic of the permutation—

The 2AR will say that the permutation allows you to reject capitalism, but the plan is necessary to solve this one specific, short-term harm—the problem is that there is always another crisis that requires another quick-fix solution—every aff has a specific scenario—the political strategy of the perm means that we constantly patch up the system and never get around to rejecting it.

#### Placation DA—

Inclusion of the plan prevents alternative solvency—extend Wolff—the plan is a “magic potion” offered to a population demanding solutions—*appeases popular desire for change*—this contextualizes to their [x advantage]—[Explain.]—*activists cannot create support* for radical solutions because the *people feel like reform has already been enacted*.

#### [Optional] Rallying Point DA—

Allowing their impacts to occur *generates support for the anti-capitalist movement* by showing people the inherent dangers in the capitalist system—the plan is a Band-Aid solution which imposes a “layer of complexity” that makes it harder to reject the system whole-sale.

Meszaros, 95 (Prof. Emeritus @ Univ. Sussex) 1995 [Istavan, Beyond Capital: Towards a Theory of Transition, p. 143]

Maintaining the stability of a system built upon a whole range of explosive structural antagonisms is quite unthinkable without the superimposition of artificial layers of complexity whose primary function is the perpetuation of the ruling order and the postponement of ‘the moment of truth’. Since, however, the activation of the absolute limits of capital as a viable reproductive system appeared on our historical horizon, engaging with the question of how to overcome the destructive structural presuppositions of the established mode of social metabolic control cannot be avoided much longer.To be sure, the deeply entrenched interests of capital and of its ‘personifications’ militate against all serious consideration of this question. For capital cannot function without enforcing as firmly as ever (even in the most authoritarian fashion if need be) its practical presuppositions and structural antagonisms. If it was not for that, the rational assessment of the historically unfolding dangers to the very conditions of human survival would be by itself a great help in tilting the balance in favour of the necessary changes. However, rational arguments on their own are utterly powerless for overcoming enmity to change when the fundamental practical premisses of the materially dominant party are at stake.

#### Links are DAs—

Inclusion of the plan materially increases capitalism. [Explain Links.]

#### AT: Withdrawal in every other instance is intrinsic—

The alternative withdraws from the capitalist state when confronted with the plan.

### AT: Alt Fails

#### Empirically, withdrawal causes non-violent transitions—Soviet Union, apartheid regime, and berlin wall prove

Trainer, 2K [Ted Trainer, Visiting Fellow in the Faculty of Arts at the University of New South Wales, 2000, “Where are we, where do we want to be, how do we get there?,” Democracy & Nature, Volume 6, Number 2, July, Available Online to Subscribing Institutions via Academic Search Complete]

It should also be recognised that sometimes radical change seems to occur without any overt conflict. Sometimes it is more like the fading out of a once-dominant thesis, to be replaced by a newly popular one. This is in fact the norm at the level of paradigm change in science[17], and in many cultural realms such as art, pop music and fashion. A particular view or theory or form is dominant for a time, but then people more or less lose interest in it, cease attending to it and supporting it, and move to another one. Some of the most revolutionary changes of the twentieth century seem to have occurred predominantly in this way, such as the collapses of the Soviet Union and the apartheid regime in South Africa, and the fall of the Berlin Wall. All seem to have been characterised mostly by people “voting with their feet”, after a long period of growing disenchantment and increasing awareness of the desirability of other ways. These revolutionary changes seem to be much better described as instances of collapse or abandonment due to increasing internal failure to perform, and loss of legitimacy and support, rather than as defeats in head-on combat with superior opposing powers. In the end the vast military, bureaucratic and economic power of the ruling establishments counted for nothing in the face of a withdrawal of support. They did not have to be engaged in direct and open battle and conquered. It is not obvious that the passing of capitalism and the emergence of The Simpler Way cannot possibly proceed in this way. Certainly if the Ecovillage Movement were to become a significant threat capitalism would seek to oppose it strenuously, but the question is whether it will be able to do this effectively. At present the Eco-village Movement is minuscule but it is rapidly growing. There are also impressive reasons for thinking that despite capitalism’s present triumph, in perhaps as little as twenty years time it will have plunged into an era of great troubles and be incapable of dealing with us effectively. (See below.) But before that it is quite likely that capitalism will enjoy another period of boom.

### Impact—Sexism

#### Women are exploited around the world under the capitalist system

Kovel, 7 — Joel Kovel, Professor of Social Studies, The Enemy of Nature: The End of Capitalism or the End of the World, p. 56, 2007

A similar process 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 burgeon­ sex trade industries, where numberless women have now, in via 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, lair }{one that a recent UNICEF report indicates that nearly half world's women come under attack by those closest to them. This was not at all the case in precapitalist societies.

### Impact—Endless War

#### Socialist Democracy solves the root cause of war—

Prevents the drive for competition—international workers coalitions facilitating sharing of resources—corporations in search of international markets no longer control government.

#### Capitalism makes war inevitable—

#### First, excess capital is invested in the military—used to open new markets

Robinson, 7—Professor of Sociology, Global and International Studies, Latin American and Iberian Studies at the University of California-Santa Barbara

(William I., “The Pitfalls of Realist Analysis of Global Capitalism: A Critique of Ellen Meiksins Wood’s Empire of Capital”, Historical Materialism, 2007, http://www.socialsciences.manchester.ac.uk/disciplines/politics/research/hmrg/activities/documents/Robinson.pdf)

By the early twenty-ﬁrst century, global capitalism was in crisis. This crisis involves three interrelated dimensions. First it is a crisis of social polarization. The system cannot meet the needs of a majority of humanity, or even assure minimal social reproduction. Second is a structural crisis of over accumulation. The system cannot expand because the marginalization of a signiﬁcant portion of humanity from direct productive participation, the downward pressure on wages and popular consumption worldwide, and the polarization of income, have reduced the ability of the world market to absorb world output. The problem of surplus absorption makes state-driven military spending and the growth of military-industrial complexes an outlet for surplus and gives the current global order a frightening built-in war drive. Third is a crisis of HIMA legitimacy and authority. The legitimacy of the system has increasingly been called into question by millions, perhaps even billions, of people around the world, and is facing an expanded counter-hegemonic challenge. Neoliberalism ‘peacefully’ forced open new areas for global capital in the 1980s and the 1990s. This was often accomplished through economic coercion alone, as Wood would likely agree, made possible by the structural power of the global economy over individual countries. But this structural power became less effective in the face of the three-pronged crisis mentioned above. Opportunities for both intensive and extensive expansion dried up as privatizations ran their course, as the former ‘socialist’ countries became re-integrated into global capitalism, as the consumption of high-income sectors worldwide reached a ceiling, and so on. The space for ‘peaceful’ expansion, both intensive and extensive, became ever more restricted. Military aggression has become in this context an instrument for prying open new sectors and regions, for the forcible restructuring of space in order to further accumulation. The train of neoliberalism became latched on to military intervention and the threat of coercive sanctions as a locomotive for pulling the moribund Washington consensus forward. The ‘war on terrorism’ provides a seemingly endless military outlet for surplus capital, generates a colossal deﬁcit that justiﬁes the ever-deeper dismantling of the Keynesian welfare state and locks neoliberal austerity in place, and legitimates the creation of a police state to repress political dissent in the name of security. In the post 9/11 period, the military dimension appeared to exercise an over determining inﬂuence in the reconﬁguration of global politics. The Bush régime militarized social and economic contradictions, launching a permanent war mobilization to try to stabilize the system through direct coercion. But was all this evidence for a new US bid for hegemony? A US campaign to ‘compete’ with other major states? To defend ‘its own domestic capital’? To ‘maintain a critical balance’ and ‘control major [state] competitors’? I trust my reasons for rejecting such an argument have been made clear in this critical article.

#### Capitalism ensures resource conflicts

Bhagwat, 11 (Vishnu, former Chief of the Naval Staff of India, Thee Weaponization of Space: Corporate Driven Military Unleashes Pre-emptive Wars, July 13, 2011, http://www.globalresearch.ca/index.php?context=va&aid=21432)

We must understand the reality of our present lawless world, where corporate driven military might unleashes pre-emptive wars, invasions and occupations and the UN system stands paralyzed , its Charter disregarded  , the Treaties and conventions signed and ratified , flouted at every step . It is necessary for us to focus on the stark truth that those treaties and conventions do not protect humanity from the forces that want to dominate and exploit the resources of the world using every weapon system and all mediums  --be they land , sea , the seabed or space and if the world system does not create a  balance very soon  than even from military bases that may be established on the earth’s planetary system. Vladimir Putin, then President and now the  Prime Minister of Russia, speaking at the European Security Conference in Munich on 10th February 2007, said: “The unipolar  world refers to a world in which there is one master, one center of authority, one center of force, one centre of decision making. At the end of the day this is pernicious not only for those  within the system , but also for the Sovereign himself from within ; what is more important is that the model itself is flawed because as its basis there is and can be no moral foundation for modern civilization ( and even less for democracy ). We are seeing a greater and greater disdain for the basic principles of international law. We are witnessing an almost uncontained hyper use of force in international relations , force that is plunging the world into an abyss of permament conflicts . I am convinced that we have reached that decisive moment when we must seriously  think about the architecture of global security.” We have to move heaven and earth , the might of humanity to dismantle that decision making ruling elite in the ‘joint corporate –military board rooms ,’ be they located underground in the Strategic Command in Nebraska  or at multi-locations in Wall Street , the City ( London ) or Tel a Viv . The unlimited quest for establishing monopoly over the planet  earth’s resources and markets , has led the world to witness unending wars , sometimes referred to as ‘long wars’ , if that phrase makes it seem less destructive , and the unending pursuit of weapon platforms , for attaining  ‘full spectrum dominance’ and the ‘Strategic Defense Initiative’ (SDI ) or the Star Wars initiated by the ‘free market’ of the Reagan administration and Thatcherism , accelerating the death and destruction that we have witnessed , all across the globe be it in Angola , Congo, Somalia, Afghanistan , Iraq , Palestine , Central and Latin America   , Yugoslavia , Lebanon , Gaza and earlier in Korea, Vietnam and Cambodia among other countries with the  UN Security Council in some cases acquiescing and even assisting .

### 2NC—Alternative Extension

#### The alternative solves by focusing anti-capitalist efforts—

Extend Herod—we have a specific goal (democratic socialism) and a specific method (withdrawal from the system)—this overcomes status quo failures by organizing the anti-capitalist movement around a cohesive strategy—without our labor and resources to feed on, capitalism will collapse—withdrawal is empirically effective—proven by Bolivia and the Lacondon Jungle.

#### But, the our alternative vision of democratic socialism is critical for effective transition

Lebowitz 5 — Michael A. Lebowitz, Emeritus Professor of Economics at Simon Fraser University (Canada), 2005 (“The Knowledge of a Better World,” *Monthly Review: An Independent Socialist Magazine*, Volume 57, Issue 3, July-August, Available Online to Subscribing Institutions via Academic Search Elite, p. 67)

The most immediate obstacle, though, is the belief in TINA, i.e., that there is no alternative. Without the vision of a better world, every crisis of capitalism (such as the one upon us) can bring in the end only a painful restructuring—with the pain felt by those already exploited and excluded. The concept of an alternative, of a society based upon solidarity, is an essential weapon in defense of humanity. We need to recognize the possibility of a world in which the products of the social brain and the social hand are common property and the basis for our self-development—the possibility in Marx's words of "a society of free individuality, based on the universal development of individuals and on their subordination of their communal, social productivity as their social wealth" (Grundrisse [Penguin, 1973], 158). For this reason, the battle of ideas is essential.

### They Say: “Gibson-Graham”

#### Alternative solves—

No link—we portray capitalism as unsustainable—Gibson-graham does not assume the alternative strategy that pulls the resources out from under the capitalist system—this overcomes any representation deficits.

#### This is a link—Gibson-Graham’s critique of capitalocentrism re-entrenches capitalism and prevents revolutionary change.

Poitevin 1 — René Francisco Poitevin, Ph.D. Candidate in Sociology at the University of California-Davis, member of the Editorial Board of the *Socialist Review*, 2001 (“The End of Anti-Capitalism As We Knew It: Reflections on Postmodern Marxism,” *Socialist Review*, Available Online at http://findarticles.com/p/articles/mi\_qa3952/is\_200101/ai\_n8932891/?tag=content;col1, Accessed 11-07-2011)

My main point here is that throughout The Full Monty - and in J.K. Gibson-Graham's review of the film as well - property relations are never questioned or challenged. In the postmodern/post-Marxist "noncapitalist" world, corporations get to keep ownership of the means of production and their profits, while working class communities continue to lap dance their way through "identification across difference" rather than doing union organizing. That this kind of argument can be presented not only as "noncapitalist" but also as Marxist thinking should be enough to demonstrate the political bankruptcy of this paradigm.

It is also interesting that JK Gibson-Graham maintain that challenging their analysis of The Full Monty, or not endorsing the politics of the film, "is inherently conservative and capitalocentric."48 I disagree strongly. The politics advocated by J.K. Gibson-Graham through their reading of The Full Monty is nothing but liberal politics with post-structuralist delusions of grandeur. It is one thing to say that we are at a political conjuncture in which the thing to do is to work hard for reform, not "revolution." But it is another thing to argue that revolutionary practice cannot happen on epistemological grounds, and that all we can do is make capitalism as user friendly as possible while obscuring and co-opting the Marxist tradition. J.K. Gibson-Graham's reading of The Full Monty is both liberal and reactionary.

What the postmodern Marxist's reading of The Full Monty demonstrates is that in their desire to get rid of "capitalocentrism" - the alleged obsession of Marxists with seeing "capitalism" everywhere - they end up reconfiguring and consolidating capitalism back in. In their unreflective romanticizing of reform, and in their haughty contempt for revolutionary thinking and politics, J.K. Gibson-Graham's style of postmodern/post-Marxism delivers what boils down to good old-fashioned liberalism: a mild, state-administered "economic justice" platform centered around individual private liberties, neatly packaged in postmodern gift wrapping. The bottom line is this: When one looks closely at what postmodern/post-Marxist theory actually offers, and after it is done "representing capitalism through the lens of overdetermination,"49 all one can strategize about is how to make capitalism more "user friendly." Gone is the project of getting rid of it. Strangely enough, postmodern/ post-Marxists do not regard these positions as a surrender of the Marxist project at all, but rather, as the exact fulfillment of that commitment.50

#### Gibson-Graham embrace the politics of surrender—only the revolutionary vision of the alternative can dismantle capitalism.

Poitevin 1 — René Francisco Poitevin, Ph.D. Candidate in Sociology at the University of California-Davis, member of the Editorial Board of the *Socialist Review*, 2001 (“The End of Anti-Capitalism As We Knew It: Reflections on Postmodern Marxism,” *Socialist Review*, Available Online at http://findarticles.com/p/articles/mi\_qa3952/is\_200101/ai\_n8932891/?tag=content;col1, Accessed 11-07-2011)

Let me finish by addressing the "vision thing" in Marxist theory, and by putting forward some minimal suggestions for how to proceed. The problem with the Left in this country is not Marx's theorizing of capital, it is the Left's profound poverty of vision. Simply put, we cannot think "Revolution" anymore because we cannot think "Capitalism" anymore. What passes for "radical democracy" nowadays is so timid and so willing to declare and settle for quick victories that one has to wonder sometimes where exactly it is that the radicalism in radical democracy lies. And to make matters worse, we are living in a period in which the Left itself is the one in charge of convincing us that the "Revolution" is not only politically unfeasible, but also epistemologically impossible. To paraphrase Marx's famous eleventh thesis on Feuerbach, postmodern Marxists have interpreted the world for too long—the point is to change it.

Do we need reform? Of course we do, but to construct reform as a "sufficient" condition for social change is to engage not in the politics of empowerment but in the practice of a politics of surrender with delusions of grandeur. Furthermore, in a post-structuralist epistemological framework in which structural and systemic explanations are forbidden, all we are left with is a blurred capacity to prioritize what is to be done. In short, in the postmodern Marxist world, it is impossible to structurally explain how the top 1 percent of the world population has more wealth than the bottom 92 percent. To do that would require the admission that there is something called capitalism with a logic to it. Recall that in the postmodern Marxist world, the political importance of "any relationship... [is determined by] how we wish to think of the complex interaction"; it is not based on institutional or systemic mechanisms of how inequality gets generated and reproduced.51 And given the postmodern Marxists' insistence on defining capitalism from the get-go as having "no essential or coherent identity,"52 it is no surprise that such academics are totally irrelevant to real people's struggles against globalization, the IMF, the WTO, and NAFTA. It's the case of the chicken coming home to roost.

It is time to stop the politics of surrender and denial. It is time to stop pretending that if we repeat things over and over again for long enough (this is called "performative" in postmodern parlance), things will eventually change. The fact is that the Left has been getting crushed for quite some time now. The fact is that it is going to take more than a cadre of postmodern intellectuals and a new definition of capitalism to establish a just economic and political system. And attempts to co-opt and hijack Marxism for some reformist agenda is not going to do it either.

#### Gibson-Graham are wrong—their postmodern Marxism devastates revolutionary change.

Poitevin 1 — René Francisco Poitevin, Ph.D. Candidate in Sociology at the University of California-Davis, member of the Editorial Board of the *Socialist Review*, 2001 (“The End of Anti-Capitalism As We Knew It: Reflections on Postmodern Marxism,” *Socialist Review*, Available Online at http://findarticles.com/p/articles/mi\_qa3952/is\_200101/ai\_n8932891/?tag=content;col1, Accessed 11-07-2011)

The End of Capitalism (As We Know It)

The first thing that jumps out after reading The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy is the way in which there are at least two ways of smashing the capitalist state: we can have the Leninist revolution or we can change the definition of capitalism and make it disappear. J.K. Gibson-Graham succeeds in doing the latter: in a kind of theoretical abracadabra, capitalism is definitely gone by the end of their book. But despite the theoretical sophistication of their work—a no-holds barred embracing of post-structuralist theory—once the epistemological fireworks dissipate, the argument of the book is actually rather simple. If what is wrong with Left politics "is the way capitalism has been 'thought' that has made it so difficult for people to imagine its supersession,"16 then it logically follows that what is to be done is to change its definition so that it can be "thought" differently—and therefore be made easier to get rid of. And if the problem of why U.S. radical politics has been so ineffective for the last two decades is the stubborn Marxist insistence upon "the image of two classes locked in struggle," a situation that "has in our view become an obstacle to, rather than a positive force for, anticapitalist endeavors,"17 then how about getting rid of this whole class struggle thing and "reimagine" labor and capital as allies rather than enemies?18 Would not that make the whole task of social transformation much easier? Perhaps, but as we will see shortly, getting rid of capitalism is easier said than done.

The End of Capitalism (As We Knew It) begs another question: Who are they going after? Is it capitalism or is it Marx? Their book spends so much time on what is supposedly wrong with Marxism that at times it reads more like The End of Marxism As We Knew It. This approach is typical of a pattern that, to quote Wendy Brown, "responds less to the antidemocratic forces of our time than to a ghostly philosophical standoff between historically abstracted formulations of Marxism and liberalism. In other words, this effort seeks to resolve a problem in a (certain) history of ideas rather than a problem in history."19 Simply put, postmodern Marxist politics has more to do with the micropolitics of the ivory tower than with the plight of the workers who clean their campuses. However, once it becomes clear that a necessary condition for the primacy of postmodern theory and politics is that Marxism has to go (otherwise you do not have to become a postmodern to address their concerns), J.K. Gibson-Graham's anti-Marxist hostility, while actively embracing the Marxist label in order to render it useless, makes a lot of sense. And once again, all this is done with impeccable logic: Given that Marxism is still the only doctrine that calls for the systematic overthrow of capitalism, getting rid of Marx(ism) is also to get rid of the need for revolution with a big "R."20

One of the problems with trying to make the case for postmodern Marxism is that in order to get rid of Marxism and declare its tradition obsolete, you have to distort its legacy by constructing a straw man. This straw man-reading of Marx is predicated upon the double maneuver of collapsing Marxist history into Stalinism, on the one hand, and reducing Marxist theory to "essentialism," "totality," and "teleology," on the other. As J.K. Gibson-Graham themselves acknowledge, without any regrets, "Indeed, as many of our critics sometimes charge, we have constructed a 'straw man.'"21 What is left out of their quasi-humorous dismissal of Marxism is the complicity of such a straw man in the long history of red-baiting and anti-Marxist repression in this country and around the world.

Also left out is the rich Marxist scholarship that was addressing their concerns long before there was a postmodern Marxist school. The fact is that postmodern Marxist's "contributions" are not as original nor as profound as they might have us believe. For example, what about the bulk of the Western Marxist tradition since the Frankfurt School? Has it not been predicated on a rejection of the economic reductionism embedded in the passage from the Preface to the Introduction to A Critique of Political Economy in which the (in)famous base/superstructure metaphor of society gets set in stone as the "official" definition of historical materialism? Or what about Horkheimer and Adorno's relentless critique of instrumental rationality? Marxism, in spite of what the postmodern Marxists want us to believe, has long been making the case for the centrality of culture and its irreducibility to economic laws, as anybody who has read Walter Benjamin or Antonio Gramsci can certify. Furthermore, postcolonial Marxism and critical theory have also been theorizing at more concrete levels of analyses the irreducibility of subjectivity to class.22 And despite the postmodern Marxist excitement when talking about class as a relational process, in fact it is impossible to tell that they are not the first ones to talk about class as a relational process, lots of Marxists before the Amherst School have been theorizing and clarifying the relational mechanisms embedded in class politics.23

Postmodern Marxism also ignores Lefebvre's urban Marxist contribution: his emphasis on the importance of experience and the everyday in accounting for social processes.24 And Marxist feminist contributions on the intersection of agency and gender with race, class, and sexuality are conveniently erased from J.K. Gibson-Graham's reduction of Marxism to a straw man.25 The fact is that when one looks at Marxism not as a distorted "straw man" but on its own terms, taking into account its richness and complexity, Marxist theory starts to appear all of a sudden less "totalizing," "essentializing," and "reductionist" and instead as more rich in possibilities and more enabling.

Excursion Filosofica

A third feature of J.K. Gibson-Graham's work, in particular, and of the whole radical democracy tradition, in general, is its post-structuralist extremism.26 For postmodern Marxists it is not enough to point out that, as both Foucault and Habermas argue, we inhabit an intellectual regime characterized by a paradigm shift from the "philosophy of consciousness" to the "philosophy of language."27 Nor is it good enough for postmodern/post-Marxists to recognize the pitfalls embedded in Hegelian epistemology and argue instead, as Spivak does, for strategic-- uses-of-essentialism as a corrective to the excesses of teleological thinking and fixed notions of class.28 No way. As far as postmodern Marxism is concerned, the only way to compensate for constructions of capitalism that are too totalizing is through the unconditional surrender of the Marxist project. As J.K. Gibson-Graham themselves make clear, "to even conceive of 'capitalism' as 'capitalisms' is still taking 'capitalism' for granted."29 And to try to redistribute the heavy theoretical and political burden placed upon the proletariat by reconfiguring political agency through "race-class-gender," as opposed to just class, is still a futile endeavor: essentialism is still essentialism whether one essentializes around one or three categories.

This strand of post-structuralism, one that once again, can be directly traced back to Laclau and Mouffe's Hegemony and Socialist Strategy,30 is predicated on the faulty epistemological premise that what really matters is "discourse." As Laclau and Mouffe clarify, "our analysis rejects the distinction between discursive and nondiscursive practices. It offirms that every object is constituted as an object of discourse."31 The problem with this approach is that once we enter this world of epistemological foundationalism predicated on the claim that there is "nothing but discourse," we enter a world of relativism in which all we can do is "create discursive fixings," as J.K. Gibson-Graham themselves prescribe, that will guarantee that "any particular analysis will never find the ultimate cause of events."32

It is this ideological postmodern insistence on reducing all of social reality to discourse that ultimately overloads its theoretical apparatus and causes it to buckle beneath them. The Amherst School's "provisional ontology" is incapable of escaping the performative trap of trying to get rid of essentialism by essentializing all of reality as "discursive." The postmodern Marxist approach to ontology boils down to substituting in political practice every occurrence of "continuity" with "discontinuity" as a way to get rid of essentialism and macro-narratives. Even Foucault, the great master of discontinuity, distances himself from such mirror-reversal solutions when theorizing the limits of discourse and accounting for the "divergence, the distances, the oppositions, the differences" that constitute the episteme of a period.33

In a (rarely cited) interview titled "Power and the Study of Discourse," Foucault goes to great length to emphasize the importance of the nondiscursive (which he defines as "a whole play of economic, political and social changes"34) as a necessary condition for the successful application of "discourse" to Left politics." When explicitly asked whether "a mode of thought which introduces discontinuity and the constraints of system" does "not remove all basis for a progressive political intervention"36 (in other words, is post-structuralist politics friend or foe of Left politics), Foucault does three things before he can answer in the affirmative. First, he defends the need for "discourse" and "discontinuity" in unmasking the hidden teleologies embedded in metanarratives of universal history and so forth, in other words, in unmasking the myth of "the sovereignty of the pure subject."

Next, and this is crucial in understanding the role of discourse in post-structuralist analysis, Foucault proceeds to triangulate "discourse" as an interplay between three separate levels of analysis: intradiscursive, interdiscursive, and extradiscursive transformations. Taken together, these three levels of analysis constitute the basic "schemes of dependence" that define the conditions that regulate discursive historical transformations and social change. An example of the intradiscursive, for Foucault, is the relationship between the objects, operations, and concepts that constitute a single discipline, let's say math. How "math" constitutes itself with all its many subfields, rules, and definitions is an example of intradiscursive. Interdiscursive, on the other hand, deals with the relationship between one discipline (Foucault uses the example of medical discourse) and other disciplines, in this example other disciplines outside of medicine, such as economics or natural history. And the extradiscursive level of analysis, the one relevant for us in our assessment of postmodern Marxism, deals between the discursive and those "transformations outside of discourse."37 Foucault talks about the connections between "medical discourse and a whole play of economic, political, and social changes" as an example of extradiscursive processes. Notice how careful and unequivocal Foucault's analysis is in emphasizing and making sure that we do not reduce all of reality to some simple notion of "discourse." The irreducibility of the nondiscursive cannot be summarily dismissed as irrelevant, as postmodern/post-Marxists do.

The key point in assessing the postmodern/post-Marxist epistemological and ontological viability is this: None of Foucault's subtleties in theorizing the "nondiscursive" are present in the postmodern/post-Marxist model. Not only is Foucault's notion of "discourse" more complex and nuanced than the one presented in postmodern/post-Marxism, the "nondiscursive" is defined as constituted by "institutions, social relations, economic and political conjuncture"—and as explicitly nonreducible to discourse.38 This is why the postmodern/post-Marxist's incapability and/or refusal to account for the irreducibility of the nondiscursive aspects of institutions and the economy ultimately disqualifies them from articulating a viable Left project. To retort by saying that it is OK to not deal with the centrality of the nondiscursive (e.g., the institutional) because "every object is constituted as an object of discourse"39 misses the point that the moment of the nondiscursive and extradiscursive is both irreducible and essential. How many more Ptolemaic circles of "discursive fixings" is it going to take before it becomes clear that postmodern Marxism's bankrupt epistemology/ontology cannot articulate a viable project for radical politics?

#### Their argument positions hypereducated postmodern scholars as the new vanguard and relegates material conditions of oppression to irrelevance.

Poitevin 1 — René Francisco Poitevin, Ph.D. Candidate in Sociology at the University of California-Davis, member of the Editorial Board of the *Socialist Review*, 2001 (“The End of Anti-Capitalism As We Knew It: Reflections on Postmodern Marxism,” *Socialist Review*, Available Online at http://findarticles.com/p/articles/mi\_qa3952/is\_200101/ai\_n8932891/?tag=content;col1, Accessed 11-07-2011)

First, in the postmodern/post-Marxist world, it is the (white, middleclass) postmodern intellectual who gets constituted as the new "revolutionary subject."40 In a political universe controlled by postmodern Marxist physics, where there are no longer objective mechanisms of oppression, but what matters is "rather how... we wish to think of the complex interaction between these [sic] complexities,"" the postmodern intellectual becomes the de facto new vanguard. In a political practice that denies the possibility of objective criteria in deciding what constitutes social phenomena, postmodern intellectuals are the agency in charge of allocating legitimacy to political claims. It is no longer the material conditions or the historical conjuncture of a particular situation that determine what is to be done, but as JK. Gibson-Graham claim, it is "rather how we wish to think" about social problems that constitutes the defining criteria for validity and politics - in a context where the "we" is constituted by a postmodern intelligentsia. Simply put, it is no longer up to the working class, or queer people of color, or women, or the party intellectual, or any other subjectivity to decide which project is legitimate enough to merit recognition—and commitment. In the postmodern Marxist world, the hypereducated postmodern scholar is the one in charge of leading and defining which struggles count and how they will be fought. Simply put, the postmodern intellectual is the new revolutionary subject.

#### This is a link—individualizing struggle allows the capitalist system to continue—only revolution can solve

Cotter, 2

[Jennifer, nqa, “War and Domestic Violence”, Red Critique, Sept/Oct, p. online]

Moreover, by generalizing Marcus' understanding of "rape prevention" to explain globalization in all of its practices, Gibson-Graham represent "resistance" to globalization on these same terms: as an autonomous act of private individuals not requiring general transformation of the social conditions of production for all. Far from offering a mode of "resistance", this actually offers a position that is highly useful to transnational capitalism, which is daily trying to dismantle any social resources committed to the economic, social, and physical well being of workers in general, and women in particular, in the international division of labor. In short, this position is consistent with the efforts of transnational capital to dismantle social resources and re-privatize them and destroy any conditions for social citizenship in order to stave off declines in the rate of profit. Gibson-Graham's privatized view of globalization and violence against women, for instance, follows the same logic as the Bush administration, which, working on behalf of transnational capital, has been working to dismantle social resources for women and reprivatize them.

## Executive

## Status Quo

# 1NR

## CP

### 2NC Solves Self-Restraint

#### The counterplan creates precedent—

XOs shape the legal environment as much as legislation does---the exec heed to the counterplan as much as the aff---internal constraints create deterrent costs that mean presidents will comply with internal checks –that’s Katyal

### 2NC No Congress Rollback

#### Congressional overturn is functionally impossible

Megan Covington 12, School of Engineering, Vanderbilt University, Executive Legislation and the Expansion of Presidential Power, ejournals.library.vanderbilt.edu/index.php/vurj/article/download/.../1738

In actuality, however, Congress is generally unwilling or unable to respond to the president’s use of executive legislation. Congress can override a presidential veto but does not do it very often; of 2,564 presidential ve- toes in our nation’s history, only 110 have ever been over- ridden.44 The 2/3 vote of both houses needed to override a veto basically means that unless the president’s executive order is grossly unconstitutional – and thus capable of earning bipartisan opposition - one party needs to have a supermajority of both houses. Even passing legislation to nullify an executive order can be difficult to accomplish, especially with Congress as polarized and bitterly di- vided along party lines as it is today. Congress could pass legislation designed to limit the power of the president, but such a bill would be difficult to pass and any veto on it – which would be guaranteed – would be hard to override. In addition, if such legislation was passed over a veto, there is no guarantee that the bill would successfully limit the president’s actions; the War Powers Act does little to restrain the president’s ability to wage war.45 Im- peachment is always an option, but the gravity of such a charge would prevent many from supporting it unless the president was very unpopular and truly abused his power. 46 Congress’s best weapon against executive legislation is its appropriations power, but this only gives it power over orders that require funding. Members of Congress may even support a president’s use of executive legislation to establish policy when gridlock occurs on the floor. Congressmen can include policy changes made through executive legislation as part of their party’s recent accomplishments for the next election cycle, giving them more incentive to support executive legislation.47 These factors combined mean that Congress has only modified or chal- lenged 3.8% of all executive orders, of which there have been over 13,000 total, leaving them an ineffective check on the president’s legislative power.48 Essentially the only times Congress can and will challenge an executive order are when the president has extremely low support, when in a divided government the party in power of Congress has a supermajority of both houses, or when a president seriously and obviously abuses his power in such a way as to earner opposition from both parties.

### 2NC Theory---Short

#### Executive fiat’s good:

1. **Competition determines legitimacy---if the CP is an opportunity cost to the plan than any model of debate that eliminates it is arbitrary and self-serving for the aff.**

#### Neg ground and limits --- the topic is huge and constantly shifting --- the Exec CP is the neg’s only stable advocacy --- without it our research burden becomes unmanageable because there would be thousands of small affs that ban individual actions of the executive.

#### Education --- comparisons between internal and external constraint are THE core controversy of War Powers --- ensures the aff should be able to generate offensive --- our solvency advocates proves

#### No offense --- they only need one reason why Congress or the Courts acting is key --- infinite aff prep proves this is reasonable --- don’t reward their lazy research practices

#### Not a voting issue --- reject the argument not the team

#### AT: Object Fiat

#### It’s not object fiat --- “war powers” are the object of the resolution, NOT the executive which is the subject because it’s part of the USFG --- proves it’s a legitimate actor to fiat. Our fiat is no more abusive than the aff’s --- we institute restrictive mechanisms just like they do.

#### The counterplan is a logical policy choice grounded in topic lit

Sinnar 13 assistant professor of law at Stanford Law School, May 2013

(Shirin, “Protecting Rights from Within? Inspectors General and National Security Oversight,” 65 Stan. L. Rev. 1027, Lexis)

More than a decade after September 11, 2001, the debate over which institutions of government are best suited to resolve competing liberty and national security concerns continues unabated. While the Bush Administration's unilateralism in detaining suspected terrorists and authorizing secret surveillance initially raised separation of powers concerns, the Obama Administration's aggressive use of drone strikes to target suspected terrorists, with little oversight, demonstrates how salient these questions remain. Congress frequently lacks the [\*1029] information or incentive to oversee executive national security actions that implicate individual rights. Meanwhile, courts often decline to review counterterrorism practices challenged as violations of constitutional rights out of concern for state secrets or institutional competence. n1 These limitations on traditional external checks on the executive - Congress and the courts - have led to increased academic interest in potential checks within the executive branch. Many legal scholars have argued that executive branch institutions supply, or ought to supply, an alternative constraint on executive national security power. Some argue that these institutions have comparative advantages over courts or Congress in addressing rights concerns; others characterize them as a second-best option necessitated by congressional enfeeblement and judicial abdication.

## DA

### OVW

#### Russian aggression causes nuclear war

Blank 9 – Dr. Stephen Blank is a Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, March 2009, “Russia And Arms Control: Are There Opportunities For The Obama Administration?” http://www.strategicstudiesinstitute.army.mil/pdffiles/pub908.pdf

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.168 Given a multipolar world structure with little ideological rivalry among major powers, it is unlikely that they will go to war with each other. Rather, like Russia, they will strive for exclusive hegemony in their own “sphere of influence” and use nuclear instruments towards that end. However, wars may well break out between major powers and weaker “peripheral” states or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.169 Simultaneously,¶ The states of periphery and semiperiphery have far more opportunities for political maneuvering. Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives. Thus international crises may increase in number. This has two important implications for the use of WMD**.** First, they may be used deliberately to offer a decisive victory (or in Russia’s case, to achieve “intra-war escalation control”—author170) to the striker, or for defensive purposes when imbalances in military capabilities are significant; and second, crises increase the possibilities of inadvertent or accidental wars involving WMD.171¶ Obviously nuclear proliferators or states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons not as defensive weapons, as has been commonly thought, but as offensive weapons to threaten other states and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national “egotism” will critically affect world politics. For, as Roberts observes,¶ But if they drift away from those efforts [to bring about more cooperative security], the consequences could be profound. At the very least, the effective functioning of inherited mechanisms of world order, such as the special responsibility of the “great powers” in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, could be significantly impaired. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, the newly empowered tier could bring an end to collective security operations, undermine the credibility of alliance commitments by the great powers, [undermine guarantees of extended deterrence by them to threatened nations and states] extend alliances of their own, and perhaps make wars of aggression on their neighbors or their own people.172

### UQ---AT: Syria Pounder

#### No Syria pounder --- wasn’t an abdication of any authority and won’t set a precedent --- prefer more qualified evidence

- Obama *chose* to ask, he wasn’t forced

- Doesn’t set a precedent because each crisis is different

- Doesn’t apply to the DA because Syria wasn’t a direct threat to US security

- Future presidents will ignore

- The AUMF expands his authority

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One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered multiple opportunities for increasing it.¶ If Congress says no to Obama, it will not significantly restrain future presidents from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, it may bestow significant new powers on future presidents -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing.¶ People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box.¶ Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now.¶ If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally. ¶ Some commentators argue (or hope) that whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or any other president ­ has previously asserted in war powers. ¶ Syria presents a case in which previous precedents did not apply. There is no direct threat to American security, American personnel, or American interests. There is no Security Council resolution to enforce. And there is no claim that America needs to shore up the credibility of NATO or another important security alliance. Nor does Obama have even the feeble justification that the Clinton Administration offered in Kosovo­: that congressional appropriations midway through the operation offered tacit and retroactive approval for the bombings. ¶ It is naive to think that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -- ­including those offered in the Libya intervention -- the case of Syria is easily distinguishable. ¶ Perhaps more to the point, Congress still cannot go to the courts to stop the president, given existing legal precedents. Congress may respond by refusing to appropriate funds, but that is a remedy that they have always had -- and have rarely had the political will to exercise. ¶ The most important limit on presidential adventurism is political, not legal. It will turn less on the precedent of Syria than on whether the last adventure turned out well or badly. ¶ In fact, the Syria episode offers Obama­ and future presidents­ new opportunities for increasing presidential power. Obama has submitted a fairly broad authorization for the use of military force (AUMF) proposal to Congress. It is not limited either temporally or geographically; it does not specifically exclude the use of ground troops; and it requires only that the president determine that there is a plausible connection between his use of force and the use of weapons of mass destruction in the Syrian civil war. If Congress adopts this proposal, President Obama ­and every future president ­can simply add it to the existing body of AUMFs and congressional authorizations. ¶ In the American system, presidents often gain the most power not by acting unilaterally or in defiance of congressional statutes but by relying on previous congressional authorizations and interpreting them generously to expand their authority­ -- sometimes in ways that Congress never dreamed of. A case in point is the 2001 AUMF against al-Qaeda, which has no time limit. It has served as the justification for a wide range of executive actions by Presidents George W. Bush and Obama, and it will probably to continue to do so well into the future. That is a good reason to amend Obama’s proposal for a new AUMF to include a sunset clause, a geographical restriction, and a limit on what kinds of forces can be used.

#### Syria doesn’t set a precedent but the aff would --- our evidence is comparative

Ross Douthat 9/4/13, Op-ed columnist for the New York Times and former Senior Editor @ the Atlantic, “Syria and the Constitution,” http://douthat.blogs.nytimes.com/2013/09/04/syria-and-the-constitution/#more-19029

Somehow I doubt that it will work out this way. It would be a good thing for the country if the older constitutional norms regained some force – if we declared war in cases where we now issue so-called authorizations for the use of military force, and issued authorizations in situations where presidents of both parties claim the power to act with no congressional blessing whatsoever. But when a constitutional power atrophies, it’s extremely unlikely to be restored through the kind of last-minute, poorly-thought-out, and self-undermining approach that the White House has taken in this case.¶ If President Obama had, from the beginning of this debate, framed the possibility of a Syria intervention as something that would of course require congressional approval, and spent the days immediately following Assad’s deployment of chemical weapons reaching out to key congressmen to make sure the votes were there, and only when he was certain gone ahead and publicly called for a resolution authorizing strikes … well, then you would have had a precedent that future presidents might feel some pressure to actually follow, because it would provide both a public civics lesson and a blueprint for how to pursue the constitutional course to a politically successful conclusion.¶ But so far this White House is failing on both counts. The official “lesson” that the president’s words and choices are delivering is not one that actually elevates Congress back to its Article I level of authority. Rather, it’s one that treats Congress as a kind of ally of last resort, whose backing remains legally unnecessary for warmaking (as the White House keeps strenuously emphasizing, and as its conduct regarding Libya necessarily implies), and whose support is only worth seeking for pragmatic and/or morale-boosting reasons once other, extra-constitutional sources of legitimacy (the U.N. Security Council, Britain, etc.) have turned you down. The precedent being set, then, is one of presidential weakness, not high-minded constitutionalism: Going to Congress is entirely optional, and it’s what presidents do when they’re pitching wars that they themselves don’t fully believe in, and need to rebuild credibility squandered by their own fumbling and failed alliance management. What future White House would look at that example and see a path worth following?¶ Ah, you might say, but if Congress actually votes the Syria authorization down, then future presidents will feel constrained by the threat of a similar congressional veto whether they want to emulate Obama or not. Except that it’s actually more likely that future presidents will look at a congressional rejection in the case of Syria and see a case for going to Congress even less frequently than recent chief executives have done. The lesson will be clear enough: Presidents who ignore Congress’s Article I powers (Clinton in Kosovo, Obama in Libya) get away with it, while presidents who respect those powers set themselves up for a humiliation. It would be one thing if Congress were clearly the assertive party here — if President Obama had gone to war without asking for authorization, for instance, and had then seen funding for the operation immediately cut off and articles of impeachment issued. But since nobody imagines that would have happened, a defeat here will look much like an unforced executive branch error, rather than a case of Congress breaking decisively with its ongoing tendency to abdicate to the other branches. And future administrations will act accordingly.

### Impact---AT: Intervention Bad

#### No turns --- US intervention is inevitable --- it’s only a question of speed and effectiveness

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In theory, the United States could refrain from intervening abroad. But, in practice, will it? Many assume today that the American public has had it with interventions, and Alice Rivlin certainly reflects a strong current of opinion when she says that “much of the public does not believe that we need to go in and take over other people’s countries.” That sentiment has often been heard after interventions, especially those with mixed or dubious results. It was heard after the four-year-long war in the Philippines, which cost 4,000 American lives and untold Filipino casualties. It was heard after Korea and after Vietnam. It was heard after Somalia. Yet the reality has been that after each intervention, the sentiment against foreign involvement has faded, and the United States has intervened again. ¶ Depending on how one chooses to count, the United States has undertaken roughly 25 overseas interventions since 1898: Cuba, 1898 The Philippines, 1898-1902 China, 1900 Cuba, 1906 Nicaragua, 1910 & 1912 Mexico, 1914 Haiti, 1915 Dominican Republic, 1916 Mexico, 1917 World War I, 1917-1918 Nicaragua, 1927 World War II, 1941-1945 Korea, 1950-1953 Lebanon, 1958 Vietnam, 1963-1973 Dominican Republic, 1965 Grenada, 1983 Panama, 1989 First Persian Gulf war, 1991 Somalia, 1992 Haiti, 1994 Bosnia, 1995 Kosovo, 1999 Afghanistan, 2001-present Iraq, 2003-present¶ That is one intervention every 4.5 years on average. Overall, the United States has intervened or been engaged in combat somewhere in 52 out of the last 112 years, or roughly 47 percent of the time. Since the end of the Cold War, it is true, the rate of U.S. interventions has increased, with an intervention roughly once every 2.5 years and American troops intervening or engaged in combat in 16 out of 22 years, or over 70 percent of the time, since the fall of the Berlin Wall. ¶ The argument for returning to “normal” begs the question: What is normal for the United States? The historical record of the last century suggests that it is not a policy of nonintervention. This record ought to raise doubts about the theory that American behavior these past two decades is the product of certain unique ideological or doctrinal movements, whether “liberal imperialism” or “neoconservatism.” Allegedly “realist” presidents in this era have been just as likely to order interventions as their more idealistic colleagues. George H.W. Bush was as profligate an intervener as Bill Clinton. He invaded Panama in 1989, intervened in Somalia in 1992—both on primarily idealistic and humanitarian grounds—which along with the first Persian Gulf war in 1991 made for three interventions in a single four-year term. Since 1898 the list of presidents who ordered armed interventions abroad has included William McKinley, Theodore Roose-velt, William Howard Taft, Woodrow Wilson, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John F. Kennedy, Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush. One would be hard-pressed to find a common ideological or doctrinal thread among them—unless it is the doctrine and ideology of a mainstream American foreign policy that leans more toward intervention than many imagine or would care to admit. ¶ Many don’t want to admit it, and the only thing as consistent as this pattern of American behavior has been the claim by contemporary critics that it is abnormal and a departure from American traditions. The anti-imperialists of the late 1890s, the isolationists of the 1920s and 1930s, the critics of Korea and Vietnam, and the critics of the first Persian Gulf war, the interventions in the Balkans, and the more recent wars of the Bush years have all insisted that the nation had in those instances behaved unusually or irrationally. And yet the behavior has continued.¶ To note this consistency is not the same as justifying it. The United States may have been wrong for much of the past 112 years. Some critics would endorse the sentiment expressed by the historian Howard K. Beale in the 1950s, that “the men of 1900” had steered the United States onto a disastrous course of world power which for the subsequent half-century had done the United States and the world no end of harm. But whether one lauds or condemns this past century of American foreign policy—and one can find reasons to do both—the fact of this consistency remains. It would require not just a modest reshaping of American foreign policy priorities but a sharp departure from this tradition to bring about the kinds of changes that would allow the United States to make do with a substantially smaller force structure. ¶ Is such a sharp departure in the offing? It is no doubt true that many Americans are unhappy with the on-going warfare in Afghanistan and to a lesser extent in Iraq, and that, if asked, a majority would say the United States should intervene less frequently in foreign nations, or perhaps not at all. It may also be true that the effect of long military involvements in Iraq and Afghanistan may cause Americans and their leaders to shun further interventions at least for a few years—as they did for nine years after World War I, five years after World War II, and a decade after Vietnam. This may be further reinforced by the difficult economic times in which Americans are currently suffering. The longest period of nonintervention in the past century was during the 1930s, when unhappy memories of World War I combined with the economic catastrophe of the Great Depression to constrain American interventionism to an unusual degree and produce the first and perhaps only genuinely isolationist period in American history. ¶ So are we back to the mentality of the 1930s? It wouldn’t appear so. There is no great wave of isolationism sweeping the country. There is not even the equivalent of a Patrick Buchanan, who received 3 million votes in the 1992 Republican primaries. Any isolationist tendencies that might exist are severely tempered by continuing fears of terrorist attacks that might be launched from overseas. Nor are the vast majority of Americans suffering from economic calamity to nearly the degree that they did in the Great Depression. ¶ Even if we were to repeat the policies of the 1930s, however, it is worth recalling that the unusual restraint of those years was not sufficient to keep the United States out of war. On the contrary, the United States took actions which ultimately led to the greatest and most costly foreign intervention in its history. Even the most determined and in those years powerful isolationists could not prevent it. ¶ Today there are a number of obvious possible contingencies that might lead the United States to substantial interventions overseas, notwithstanding the preference of the public and its political leaders to avoid them. Few Americans want a war with Iran, for instance. But it is not implausible that a president—indeed, this president—might find himself in a situation where military conflict at some level is hard to avoid. The continued success of the international sanctions regime that the Obama administration has so skillfully put into place, for instance, might eventually cause the Iranian government to lash out in some way—perhaps by attempting to close the Strait of Hormuz. Recall that Japan launched its attack on Pearl Harbor in no small part as a response to oil sanctions imposed by a Roosevelt administration that had not the slightest interest or intention of fighting a war against Japan but was merely expressing moral outrage at Japanese behavior on the Chinese mainland. Perhaps in an Iranian contingency, the military actions would stay limited. But perhaps, too, they would escalate. One could well imagine an American public, now so eager to avoid intervention, suddenly demanding that their president retaliate. Then there is the possibility that a military exchange between Israel and Iran, initiated by Israel, could drag the United States into conflict with Iran. Are such scenarios so farfetched that they can be ruled out by Pentagon planners? ¶ Other possible contingencies include a war on the Korean Peninsula, where the United States is bound by treaty to come to the aid of its South Korean ally; and possible interventions in Yemen or Somalia, should those states fail even more than they already have and become even more fertile ground for al Qaeda and other terrorist groups. And what about those “humanitarian” interventions that are first on everyone’s list to be avoided? Should another earthquake or some other natural or man-made catastrophe strike, say, Haiti and present the looming prospect of mass starvation and disease and political anarchy just a few hundred miles off U.S. shores, with the possibility of thousands if not hundreds of thousands of refugees, can anyone be confident that an American president will not feel compelled to send an intervention force to help?¶ Some may hope that a smaller U.S. military, compelled by the necessity of budget constraints, would prevent a president from intervening. More likely, however, it would simply prevent a president from intervening effectively. This, after all, was the experience of the Bush administration in Iraq and Afghanistan. Both because of constraints and as a conscious strategic choice, the Bush administration sent too few troops to both countries. The results were lengthy, unsuccessful conflicts, burgeoning counterinsurgencies, and loss of confidence in American will and capacity, as well as large annual expenditures. Would it not have been better, and also cheaper, to have sent larger numbers of forces initially to both places and brought about a more rapid conclusion to the fighting? The point is, it may prove cheaper in the long run to have larger forces that can fight wars quickly and conclusively, as Colin Powell long ago suggested, than to have smaller forces that can’t. Would a defense planner trying to anticipate future American actions be wise to base planned force structure on the assumption that the United States is out of the intervention business? Or would that be the kind of penny-wise, pound-foolish calculation that, in matters of national security, can prove so unfortunate?¶ The debates over whether and how the United States should respond to the world’s strategic challenges will and should continue. Armed interventions overseas should be weighed carefully, as always, with an eye to whether the risk of inaction is greater than the risks of action. And as always, these judgments will be merely that: judgments, made with inadequate information and intelligence and no certainty about the outcomes. No foreign policy doctrine can avoid errors of omission and commission. But history has provided some lessons, and for the United States the lesson has been fairly clear: The world is better off, and the United States is better off, in the kind of international system that American power has built and defended.

### Link

#### Legitimacy concerns lock in a culture of restrictions on Executive war power

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The Institutional Context 'Institution' is used quite inclusively in this article. Following Nee & Ingram (1998: 19), 'An institution is a web of interrelated norms ? formal and informal ? governing social relationships' (emphasis in original).For military intervention decisions, these institutions include not only the formal organizations and departments of the gov ernment, but also the basic building blocks of the policy formation process: the laws gov erning who participates in the policy process and the procedures that must be followed. More subtle factors in policy formation are also institutionalized: the relationships between different policy participants (for ex ample, the congress and the White House, or the press and the military), taken for granted normative categories such as isolationism vs. interventionism, and the range of policies that are considered 'legitimate' by the elec torate and by other nations. The **preferences, capabilities, and basic self-identities** of indi viduals are conditioned by these institutional structures; if these individuals are part of the policymaking process, they can affect policy (Haney, 1997: 17). All actors are constrained by existing political institutions (Mann, 1993: 52). These institutions create and constitute the context (writ large) in which policy is made. The changes in the institutional contexts that constitute policy legacies tend to be of two different types. The first type of in stitutional legacy is a formal change in rules, structure, organization, or procedure. The second type is an informal institutional change, perhaps a change in the broad taken-for-granted logics that inform decision making. This could include changes in institu tionalized preferences, perceptions, informal rules, and 'sch?mas' (Sewell, 1992: 1-29). The most important difference between the two has to do with how the legacy comes about. Changes in taken-for-granted logics and schemas involve subtle shifts in perceptions based on demonstrated challenges to previously held assumptions or beliefs. These changes may or may not be undertaken consciously and reflexively, but they are certainly not something that is discussed and decided on; rather, they are a product of collective logic, sense, and unspoken consensus. For example, prior to President Truman's commitment of US forces to combat in Korea without congressional permission or a declaration of war, the division of powers laid down in the Constitution was assumed to be a sufficient protection of the various branches of the government s prerogatives with regarding to war-making. After Korea, such protections were less taken for granted and more contested, ultimately resulting in a formal institutional change: the War Powers Resolution of 1973. Such formal organizational institutional legacies, on the other hand, are the product of active decisionmaking and are codified in rule or law. As the product of a decision making process, these are 'intended' changes, and, if the language formalizing the change is not precisely aligned with its intentions, unintended institutional consequences can result. A case in point: the War Powers Re solution has not so much retilted the balance of power over war-making toward congress as placed artificial institutional constraints (time limits, reporting requirements) on how presidents plan and launch military interventions.

#### The aff turns the tide in war powers authority --- prevents continued expansion of executive power

FCNL 8, Friends Committee on National Legislation, the 501(c)(4) lobbying organization of the Religion Society of Friends (Quakers), October, “Reclaiming the Balance of Power: An Agenda for the 111th Congress,” Washington Newsletter No. 731, http://fcnl.org/assets/pubs/newsletter/2008/October.pdf

Pendulums swing by their nature, but sometimes they swing too far in one direction and need a push to return to balance. For several decades, the pendulum of power in the federal government has been swinging toward the president; in the past eight years, the president’s powers have reached unprecedented heights. The last two presidents have taken more power for themselves, but Congress has also ceded significant power to the executive branch. The 111th Congress has the opportunity to restore the balance. When members take their seats in January, reclaiming their constitutionally granted power to check the executive should be at the top of the agenda. Power Balanced by Design The framers of the Constitution had balance of power on their minds when they designed the U.S. government. They had recently rebelled against a monarchy with near total power over the people. Based on this experience, the framers limited specific government powers, such as compelling citizens to house soldiers in their homes, searching and seizing private property, and imposing taxes without a democratic process. The framers also structured the U.S. government to catch and prevent these kinds of abuses. They gave independent powers to the three branches of government — executive, legislative, and judicial — but they instituted mechanisms allowing the other branches to limit and balance these powers. In the first three words of the Constitution, “We the People,” the framers recognized a fourth branch of government to check the other three: the civil society. Unlike monarchs, U.S. presidents cannot act alone to commit their countries to war, empty their national treasuries, and impose new taxes on the citizenry to finance military adventures. Presidents can make treaties with other nations, and in time of war a president serves as commander in chief of the armed forces. Constitutionally, only Congress can formally declare war, “raise and support armies,” and increase taxes or otherwise fund a war. Maintaining these divisions is not easy. In the past 200 years, presidents have committed troops to military combat dozens of times without a formal declaration of war, and Congress has voted to cut off funding for war on only a few occasions. In the past eight years, Congress has failed to exercise adequate oversight of executive actions and uphold the Constitution in several areas. Most recently, President George W. Bush has defended the torture of prisoners held by the United States, denied prisoners the right to appeal their detention, and permitted spying on people in the United States without a warrant. Congress has turned a blind eye or acquiesced to the president’s requests to legalize his administration’s actions. The 111th Congress should reclaim its power on our behalf. In the mid-1970s, Congress passed laws to correct a pendulum of power that had swung too far toward the executive. The Congress that takes office in 2009 should do the same.

#### Plan spills over to destabilize all presidential war powers.

Heder 10 (Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

**This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan**. 122 **A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question.** 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise**, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war**. Though Justice **Powell argues** in Goldwater **that the Treaty Clause** and Article VI of the **Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone**,” 126 **the same cannot be said about Congress’s legislative authority to terminate or** limit a warin a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. **The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers**. And as this Article argues, **granting Congress this power would be inconsistent with the general war powers structure of the Constitution.** **Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor**. More over, **it** would strip the President of his Commander in Chief authority **to direct the movement of troops at a time when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, **the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants**. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

#### The aff sets a precedent for future war powers allocation

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At issue is the constitutional law governing the war power of the executive branch, specifically the vastness of the "battlefield" over which President Bush claims inherent authority as commander in chief. Also at issue are all the comparable claims yet to be made by presidents yet unborn, armed with the precedents being set right now.¶ In these matters, there is no such thing as inaction. In a contest between two branches over separation of powers, silence speaks as powerfully as words.¶ That's because the Supreme Court rarely involves itself in disputes between Congress and the executive, expressly making it a two-way conversation -- a "shared elaboration" or "shared dialogue" in the words of scholars -- between the elected branches. When one branch drops out by failing to respond, the other branch effectively sets the precedent, which is passed along to the next generation and the generation after that.¶ Inaction, indeed, strengthens that precedent. Over time, inaction is taken as acquiescence, a form of approval, and the precedent becomes entrenched until it's as good as law.¶ This is precisely what has occurred over the years. Successive decades of congressional acquiescence in the face of executive claims of war power have allowed the law to be settled exclusively by the executive branch.

### Impact---Turns Tyranny/Liberty

#### DA turns liberty impacts --- failure in crisis causes worse intrusion

William Galston 8/22/13, senior fellow @ the Brookings Institute’s Governance Studies Program, “Politics & Ideas: How Much Transparency Do We Really Want?” WSJ, Factiva

Yet the relation between collective security and individual liberty is not zero-sum. Because another 9/11-scale terrorist event might well lead to even more intrusive antiterrorism measures, reducing the likelihood of such an event could end up preventing serious infringements on liberty. Up to a point, liberty and security can be mutually reinforcing. But at what point do they become opposed?

### AT imperial prez

#### Key to winning all future conflicts

Karlton Johson 6, Army War College, “Temporal and Scalar Mechanics of Conflict Strategic Implications of Speed and Time on the American Way of War,” http://www.dtic.mil/dtic/tr/fulltext/u2/a449394.pdf

The U.S. Army War College uses the acronym “VUCA” to describe the volatile, uncertain, chaotic and ambiguous environment in which strategy is made.4 If the present is any indication of the future, then it is reasonable to assume that the world will become increasingly dangerous as long as that strategic environment exists. Many long-range assessments predict that global tensions will continue to rise as resources become even more constrained and as transnational threats endanger international security. 5 Future leaders and planners can expect to see weak and failed states persisting to dominate U.S. foreign policy agendas. Terrorism will remain a vital interest, and the use of American military strength will remain focused on the dissuasion, deterrence, and, where necessary, the preemption of strategic conflict. Enemies will work aggressively to offset U.S. military superiority by seeking out technologies that will offer some level of asymmetric advantage, and the challenging asymmetric nature of future conflicts will add deeper complexity to both war planning and the development of national security strategy. 6 The “National Defense Strategy of the United States,” published in March 2005, addressed the unconventional nature of the future. It argued that enemies are increasingly likely to pose asymmetric threats resulting in irregular, catastrophic and disruptive challenges.7 This means that, in some cases, non-state actors will choose to attack the United States using forms of irregular warfare that may include the use of weapons of mass destruction. These actors may also seek new and innovative ways to negate traditional U.S. strengths to their advantage.8 In fact, one author theorizes that “speed of light engagements” will be the norm by the year 2025, and America may lose its monopoly on technological advances as hostile nations close the gap between technological “haves” and “have nots.”9 This type of warfare lends itself to engagements of varying speed and temporal geometry. 10 Therefore, in conflicts of the future, time and speed will matter. Consequently, it is necessary to analyze these elements with rigor and discipline in order to understand their far-reaching implications.