# Case

#### 70% of women support combat roles

Sparrow and Inbody 5 (Bartholomew H. Sparrow, Capt. Donald S. Inbody, USN, Prepared for Presentation at the American Political Science Association annual meeting, Washington, D.C., September 1, 2005, “Supporting Our Troops? U.S. Civil-Military Relations in the Twenty-first Century” http://buffalograssmusic.com/research/pdf%20papers/apsa.pdf //nimo)

The military and civilian populations also differ on the role of women in ¶ combat: 70% of female officers and 59% of civilian women favor increasing ¶ combat roles for women, whereas only 30% of male officers and just under half ¶ of civilian men (49%) favor women in combat. Still, military officers of both ¶ sexes are, as a class, “more supportive of gender equality in the services than are ¶ mass civilians, up to but not including women in combat” (Davis, 2001, 116).

#### Women in combat reduces sexual assault

Maitra 13 Sumantra, tutor of New Zealand Foreign Policy and Theories of International Relations at the University of Otago; “Women and War: Women in combat and the internal debate in the field of gender studies” *Global Policy*; April 22, 2013; http://www.globalpolicyjournal.com/blog/22/04/2013/women-and-war-women-combat-and-internal-debate-field-gender-studies

The role of women in combat is, thus a matter of intense debate and scrutiny. The debate is part of the army hierarchy, regardless of the speaker being male or female, and is not related to mindset. Col. Richard Mills, commander of Marines in Helmand says, “Infantrymen sometimes carry 100 pounds of equipment on their backs, the barrier was one of physical strength. There is a physical difference between what a man can carry and what a woman can carry, the physical demands of the infantry make it a male organization.” Col. Lori E. Reynolds agrees, “I don’t think they should close with and destroy the enemy. When you go out and see what the infantry does – the way they live, the way they train –- it’s good that it’s all male.” However there are voices of dissent too, as Brigadier General Rhonda Cornum, female veteran of the Gulf War, and American POW who was sexually assaulted, says, “The problem is that we've had this tradition in the military that women aren't offensive. War is not a hormonal event. It is a profession with discipline; Gender should not be a discriminator in combat roles.” She conceded, however, that she hadn’t met a single woman who actually wanted to be in the infantry. But incidents like Cornum or Jessica Lynch repeatedly highlight the situational difference when it comes to women combatants or soldiers.

# T

#### We meet restrict—it’s illegal to introduce forces that don’t comply with plan

#### Restrict means to restrain.

Words and Phrases 04 (Volume 37A, p. 406)

Miss. 1927. To “restrict” is to restrain within bounds; to limit; to confine; and does not mean to destroy or prohibit**.** Dart v. City of Gulfport, 113 So. 441, 147 Miss. 534.

#### INTRODUCTION OF US ARMED FORCES is the assignment of forces to participate or engage in hostilities

WAR POWERS RESOLUTION 73 [50 USC Chapter 33 - WAR POWERS RESOLUTION, § 1547 - Interpretation of joint resolution, http://www.law.cornell.edu/uscode/text/50/1541]

(c) Introduction of United States Armed Forces

#### For purposes of this chapter, 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

#### We reduce the president’s authority – we eliminate the president’s authority to introduce forces composed only of men.

#### Presidential authority stems from the constitution or statutory delegation.

Gaziano, 2001 (Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations. n32 The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

#### **Congress has delegated authority over the women in combat to the president.**

Barnes 13 JULIAN E. BARNES And DION NISSENBAUM, Wall Street Journal January 24, 2013, Combat Ban for Women to End http://online.wsj.com/article/SB10001424127887323539804578260123802564276.html

The Pentagon is dropping the last vestiges of rules barring American women from serving in combat, paving the way for the largest expansion ever of their role on the front lines.

Women in the military already are allowed to serve on most Navy ships, as combat pilots and in hundreds of support jobs, including those in war zones. But they have been historically excluded from direct combat roles, by federal law in earlier times and more recently by military policy.

That will change Thursday when Defense Secretary Leon Panetta rescinds the 1994 Pentagon policy that bans women, who now make up about 14% of active-duty military personnel, from combat. The new measure will allow women to serve in combat roles—but, importantly, allow the military services to establish exceptions.

#### Limits – including delegated powers is key to congress affs because only the supreme court can reinterpret the president’s constitutional powers.

#### Force composition is key aff ground --- every time an authorization of force is passed, it involves discussions of what sort of limits should be placed on that intervention.

#### Aff Ground – they only allow 6 affs because they prevent the aff specifying what forms of war powers authority they limit.

#### Reasonability – competing interpretations causes a race to the bottom, crowds out substantive debate.

# XO

#### **Perm do both**

#### **No cause of action – statutes are necessary to provide grounds to sue. Without lawsuits there will be no mechanism for enforcement.**

Konnoth 11 CRAIG KONNOTH, The Yale Law Journal March, 2011 120 Yale L.J. 1263 COMMENT: Section 5 Constraints on Congress Through the Lens of Article III and the Constitutionality of the Employment Non-Discrimination Act

ENDA raises exactly these concerns, as the remedies that states currently provide are anemic, and indeed, are subject to repeal. The Williams Institute notes that of the few cities and counties that responded to its survey, two incorrectly referred employee complaints regarding discrimination to the  [\*1275]  EEOC (which has no federal mandate to address them). [n60](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true" \l "n60) One respondent was unaware of its own antidiscrimination provisions, another did not know what enforcement mechanisms were in place, and several lacked the resources to provide data or handle complaints. [n61](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true" \l "n61) Similarly, local provisions often have lower caps on damages, lack compensation for attorney's fees, or fail to protect discrimination based on perceived orientation. [n62](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true" \l "n62) Executive orders prohibiting discrimination fail to create a private cause of action and are not always backed up by investigative mechanisms. [n63](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true" \l "n63) Courts have also found that some localities' provisions are preempted by federal law. [n64](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true" \l "n64) Thus, only Congress can pass a bill that would definitively prevent localities' discrimination.

#### Enforcement is key to culture shifting

Stoddard 97Thomas B. Stoddard, attorney and adjunct professor at the New York University School of Law

New York University Law Review November, 1997 72 N.Y.U.L. Rev. 967 ESSAY: BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE

D. Enforcing Change

The fourth prerequisite for legal change that accomplishes "culture-shifting" as well as "rule-shifting" is overall and continuous enforcement of the new rule by the government. Rules that are not enforced, particularly if they are dramatic or controversial, will simply be disregarded by all or part of the public.

I use the word "enforcement" in its broadest possible sense. "Enforcement" to me is not simply the imposition of penalties, civil or criminal. It is also the systematic notification - or lack of notification - of the new rule, and the provision of civil remedies to aggrieved individuals. Effective enforcement of a new law ought to incorporate mechanisms to promote public awareness and adherence as well as provide appropriate punishment; "culture-shifting" may be impossible without multiple systems of enforcement.

Consider again the New York City Clean Indoor Air Act of 1988. The drafters of the Act recognized that their ordinance would never accomplish its purpose without the dissemination throughout New York City of the news of the new law, and some opportunity for ordinary New Yorkers to understand its precise provisions. The ordinance therefore incorporated a range of methods of enforcement, some punitive and some merely instructive or informative; it provided for penalties and for a special "administrative tribunal" to consider alleged violations, but it did much more, in recognition of the reality that penalties by themselves do not assure compliance. The ordinance required each employer with more than fifteen workers to adopt and "make known" a written smoking policy implementing the new ordinance, a policy that was then to be posted in a prominent place and distributed within three weeks to all employees. It directed the "prominent" and "conspicuous" posting of "no smoking" signs in public places where smoking was now prohibited. And it instructed the city's department of health to engage in a "continuing program" of public education on the new law and, more broadly, on the dangers of smoking generally, and also to report back to the City Council within twelve months on the effectiveness of the new law.

These nontraditional methods of enforcement made more likely the "culture-shifting" impact of the New York City Clean Indoor Air Act. The Act became more than a set of new rules, obeyed on most occasions by well mannered citizens but ignored at other times by the ignorant or recalcitrant. The Act not only established a new standard **[\*987]** of conduct for New Yorkers, it also put in place mechanisms to make the change genuine as well as universal.

"Culture-shifting" cannot come about without enforcement - enforcement that is multifaceted, realistic, and continuous. Enforcement does not ensure "culture-shifting," of course, but it greatly enhances the likelihood.

#### Legislation action is key to social change—debate is the only way to generate public perception

Stoddard 97Thomas B. Stoddard, attorney and adjunct professor at the New York University School of Law

New York University Law Review November, 1997 72 N.Y.U.L. Rev. 967 ESSAY: BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE

"Rule-shifting" cannot possibly become "culture-shifting" without public awareness both that a change has taken place, and that that change will affect daily life. Ordinary citizens must know that a shift has taken place for that shift to have cultural resonance. Most lawmaking - legislative, judicial, or administrative - takes place quietly, influencing a limited universe of the interested and connected. In order for "rule-shifting" to become "culture-shifting," however, a change must be generally discerned and then absorbed by the society as a whole.

Even many obviously important changes in law lack this element of public knowledge. In 1983 the New York State Board of Regents, which has legislative power over all the schools, public and private, in the state, promulgated a new regulation forbidding corporal punishment in schools. The change had potential for "culture-shifting." It made a fundamental - indeed, daring - change in rules that affected (at least hypothetically) all families in the state with children of school age, and it dealt with a subject of universal concern - whether children should be disciplined by bodily force, or not. Yet the new regulation received little attention, perhaps because it came through the speedy and quiet deliberations of a body that is itself little known or understood. A measure with "culture-shifting" potential became a mere shift in rules. Teachers and administrators took note of it, as did some interested parents, but the public by and large overlooked the change. What might have been the occasion for a statewide discussion of child-rearing was lost.

Changes that occur through legislative deliberation generally entail greater public awareness than judicial or administrative changes do. Public awareness is, indeed, a natural concomitant of the legislative process. A legislature - any legislature - purports to be a representative collection of public delegates engaged in the people's business; its work has inherent public significance. Judicial and administrative proceedings, by contrast, involve private actors in private disputes. Those disputes may or may not have implications for others, and they are often subject to the principle of stare decisis, but they are not public by their very nature. (Administrative rulemaking is a diff- **[\*981]** erent animal, akin - at least in theory - to legislative activity, but it is still typically accorded less attention than the business of legislatures.)

Legislative lawmaking is, by its nature, open, tumultuous, and prolonged. It encourages scrutiny and evaluation. Thus, it is much more likely than other forms of lawmaking to promote public discussion and knowledge. For that reason alone, such lawmaking possesses a special power beyond that of mere rulemaking. Indeed, the real significance of some forms of legislative lawmaking lies in the debate they engender rather than the formal consequences of their enactment.

#### The next president could repeal an xo and the military would just ignore it.

Pope 11 [Robert S. Pope, Lieutenant Colonel, USAF, Former Research Fellow, Belfer International Security Program, 2009–2010 Interagency Task Forces The Right Tools for the Job Strategic Studies Quarterly ♦ Summer 2011]

Large changes to the national security system above the single agency or department level would most certainly require action by the president and Congress. Some have argued that a presidential executive order would be sufficient to enact the proposed reforms.93 While an executive order might change the interagency system during the current administration, **history indicates it would be unlikely to remain under the next president.94** For example, President Clinton’s new process for interagency reconstruction and stabilization operations, described in Presidential Decision Directive-56 (PDD-56), did not outlast his presidency, nor was it generally followed while he was in office.95 Nor does an executive order presuppose any support from Congress, which funds the executive branch agencies. Because political power in Congress is often strongly tied to the large sums of money associated with the defense budget, Congress will certainly want to be involved in any reforms that change the national security structure. The CSIS “Beyond Goldwater-Nichols” study team noted: “The role of Congress in the process is the most crucial determinant of the prospects for a reform effort. The recommendations that flow from congressionally mandated groups, commissions, or blue ribbon panels are more likely to lead to lasting changes than efforts launched exclusively at the executive branch level.”96 **Enduring change comes from legislation.** Examples include the 1947 National Security Act which created, among other things, the National Security Council and the Department of Defense; the 1986 GoldwaterNichols Act which created the joint military team; the 2002 act which created the Department of Homeland Security; and the 2004 act which created the office of the Director of National Intelligence.

#### Object fiat bad – moots the 1ac since we can’t generate offense against the aff’s action. Produces a chilling effect that means we don’t discuss the core of the topic.

#### Xo links to politics – congress backlashes on other agenda items.

Clay Risen, assistant editor of *The New Republic*, 8.4.**10**

[http://www.prospect.org/web/page.ww?section=root&name=ViewPrint&articleId=8140]

Congress provides an additional, if somewhat less effective, check on executive orders. In theory, any executive order can be later annulled by Congress. But in the last 34 years, during which presidents have issued some 1,400 orders, it has defeated just three. More often, Congress will counter executive orders by indirect means, holding up nominations or bills until the president relents. “There’s always the potential that a Congress angry about one issue will respond by limiting other things you want,” says Mayer.

#### **In the context of women in combat, executive action causes congressional fights**

Burrelli 13 David F., Specialist in Military [Wo]Manpower Policy, Congressional Research Service; “Women in Combat: Issues for Congress” *Congressional Research Service*; May 9, 2013; http://www.fas.org/sgp/crs/natsec/R42075.pdf

Any changes proposed by the Services will likely be subjected to congressional scrutiny. ¶ Congress may accept any proposed changes or seek to subject such changes to certain ¶ modifications. Among the additional issues Congress may consider are equal opportunity, equal ¶ responsibility (such as draft registration), readiness and cohesion, manpower needs of the ¶ military, and training standards.

# K

#### Use law—Kane evidence

#### We are not simple legal approach, use law to shift culture

#### Reject the perfectionism of the alt – grounding rational propositions is irrelevant to their importance.

Harvard Law Review 1999 (“Book Note: Let Us Reason Together” 112 Harv. L. Rev. 958 lexis)

Schlag's critique of reason, although insightful and intriguing, fails to resolve any of the difficulties that he unearths. Throughout Schlag's book, he displays an almost morbid pessimism about our ability to base our system of law on anything other than prejudice. His attacks on reason therefore suffer at times from both inconsistency and perfectionism. It is notoriously difficult for reason's detractors to avoid the self-contradiction of employing reason in their critiques. As C.S. Lewis once wrote, if we try to criticize reason objectively, it is "as if we took out our eyes to look at them." n5 Schlag proves surprisingly adept at circumventing this counterargument, however, by limiting his critique to the internal inconsistencies found in the views of reason's proponents. Thus, in a chapter entitled "Predicaments of Reason," Schlag pauses to note that the problems he discusses "are not arguments against reason" (p. 75). Instead, he indicates that his critique is meant only to unsettle the champions of reason, who "are often rendered uneasy by the admission of such problems" (p. 75). One could still say that the very act of arguing against reason, even when delineating an internal critique, requires the use of reason. Schlag has a crafty, if unconvincing, answer to this counterargument as well: "that is true only if the initial condition is met - namely, that argument and dialogue presuppose a commitment to reason" (p. 57). But is not reason the very essence of argument and dialogue? As John Searle states, "You can't prove rationality by argument because arguments already presuppose rationality." n6 By making arguments against the use of reason in law, Schlag presupposes and depends on rationality as much as do the defenders of reason. Despite criticizing the "grids" constructed by legal reasoners, Schlag employs a similar tactic of grid-making in his own analysis of reason's difficulties (pp. 119-24, for example). It is therefore difficult to avoid concluding that Schlag has made "rational arguments in order to prove the fallaciousness and imbecility of reason." n7 [\*962] Schlag claims that academic arguments in favor of reason tend to resort "to dogmatic assertions, to rhetorical bluster, to political posturing, to ethical bullying, and to shallow circularities" (p. 60). Schlag never explains, however, what sort of defense would satisfy his demands. Instead, he correctly notes that a "reasoned defense of reason" is "at once impossible and yet mandatory" (p. 60). Such a defense is impossible because defending reason with a reasoned argument is circular; yet it is mandatory because defending reason with an unreasoned argument is self-contradictory. Schlag never explains, however, exactly why this supposed dilemma undermines the utility of reason. One could make the same critique of language. Imagine trying to prove that language is the most effective means of communicating one's inner phenomenological experience. Using language in your proof begs the question, but attempting to make such a proof without using language (by using charades, for example) does not prove anything about language, except perhaps by default. Schlag complains that it is impossible to provide a proof for self-consistency in the framework of reason (p. 60). However, as Kurt G<um o>del demonstrated in his famous 1931 paper, n8 it is impossible, even in a field as determinate as mathematics, to prove the consistency of a system from within that system. Schlag also disputes the suggestion that people can know that something is true without entirely knowing why (p. 96). Again, G<um o>del proved that there can be true mathematical statements that are neither provable nor disprovable within a particular system. n9 Although G<um o>del's theorems seemingly undermine the coherence of mathematical systems, no one has yet proposed that mathematics be abandoned. Rather, because of G<um o>del's Incompleteness Theorems, "the world of today's mathematician is one not only in which truth is not synonymous with logical proof but also in which merely trusting in the validity of a logical proof is itself a matter of faith." n10 If mathematicians can continue their work after G<um o>del, legal [\*963] thinkers should be able to sketch a similarly "modest" conception of legal reasoning, despite Schlag's pessimism. Schlag never explains why we should demand a more exacting certainty from legal reasoning than is possible even for mathematics. A more modest role for reason might be the answer to one of Schlag's most substantial objections to legal reasoning - its lack of any discoverable ontological grounding. If it is true, as many thinkers have argued, that secular moral and legal philosophy offers no solution to this dilemma, n11 it might be necessary to take a view of reason that would admit an ultimate reliance on faith and belief. n12 Such a view of reason might not, perhaps, comfort those who insist on retaining reason's lofty rulership, but it would nonetheless remain a useful conception of reason's validity. In any case, Schlag's arguments fail to demonstrate that it is impossible to construct an appropriately modest conception of reason that would admit the ontological problem without abandoning reason altogether. If, on the other hand, Schlag is correct regarding the irredeemable conceit of reason, then, somewhat ironically, he draws what might be the only rational conclusion - that law must in the end be based upon nothing more enlightened than dogma and prejudice. Schlag's book, although disheartening to those who place their full-fledged trust in human rationality, is nonetheless an important contribution to our understanding of the nature of law.

#### Reality and law are coproductive. Changing our thinking about law helps to reconstitute the material realities that we live in. The K implies an impossible immutable position outside law.

Jane Baron, Law @ Temple – Beasley School of Law, 2003 (“Romancing the Real.” 57 U. Miami L. Rev. 573 lexis)

Yet, imagine that what Gordon said were true. There would be an easily discernable point to doing what we legal academics (and isn't Schlag one of us?) do. If legal conceptions and the social world were connected in some way, then thinking about law would also be a way of thinking about the material world, and trying to change the way we think about law - for instance, to use my earlier example, trying to convince people that property need not be modeled on ownership but on obligation - would be a way of trying to change the material world. Questioning what legal doctrine foregrounds and backgrounds, n46 revealing "nested oppositions" in legal rules, n47 and all manner of similar analyses [\*587] of the patterns and structure of standard legal argumentation, including the kinds of analyses Schlag himself has so often performed (consider The Empty Circles of Liberal Justification n48), would, or could, at least potentially be useful; if we could see and make others see how we ourselves artificially "froze" reality, we could unfreeze it. n49 At the very least, we could begin to think about changing it because we would no longer be victims of belief in reality's immutability. n50 Twenty-plus years of engaging in various versions of this practice have revealed how much more complicated all this is than it originally seemed. From Stanley Fish we learned how silly it might be to envision standing outside one's own structures of belief in order to change them. n51 From feminists and critical race theorists we learned that "we" might not be "we," but multiple intersecting and overlapping "we's" with potentially differing interests and engagements. n52 From law and society folks we learned to question whether there was any relation between lawyers' and judges' ideas about law and actual social practices; if there was little relation to begin with, changes in legal consciousness (even if "we" could actually effect such changes) would be unlikely to have much impact on everyday behaviors. n53 None of this proves that legal change and social change are impossible, only that effecting social change through law is considerably more difficult and chancy than first had been thought. One could see, however, why it might be worth trying to solve (or work around) the problems: thinking about law would still be a way - perhaps now a more nuanced, humbled way - of trying to fix what was wrong with the world. This strategy would not work, of course, if "the world" is intractably out there, isolated from and immune to thought. That is exactly as Schlag presents the world in those excerpts and in the lists culled from them. The question is why, knowing better - that is, having no illusions about a pure factuality unmediated by perspective or shaping - Schlag would choose to portray "reality" that way.

# Politics

#### C-x no focus

#### Healthcare thumps

PBS 10/25 [TERENCE BURLIJ AND BRIDGET BOWMAN, Obama agenda hinges on health care fixes http://www.pbs.org/newshour/rundown/2013/10/obama-agenda-hinges-on-health-care-fixes.html]

With Republicans in Congress still reeling from the political damage incurred from the shutdown standoff, the opportunity to go on the offensive against the president over the problems with the health care program is more appealing than engaging with him on immigration reform and a grand bargain. That only adds to the pressure already on the administration to fix the issues with the health care website, since the other pieces of the president's agenda are likely only to proceed once those problems have been resolved.

#### No immigration – fiscal issues first.

Berman 10/25 [Russell, The Hill, GOP comfortable ignoring Obama pleas for vote on immigration bill http://thehill.com/homenews/house/330527-gop-comfortable-ignoring-obama-pleas-to-move-to-immigration-reform]

For President Obama and advocates hoping for a House vote on immigration reform this year, the reality is simple: Fat chance. [Video] Since the shutdown, Obama has repeatedly sought to turn the nation’s focus to immigration reform and pressure Republicans to take up the Senate’s bill, or something similar. But there are no signs that Republicans are feeling any pressure. Speaker John Boehner (R-Ohio) has repeatedly ruled out taking up the comprehensive Senate bill, and senior Republicans say it is unlikely that the party, bruised from its internal battle over the government shutdown, would pivot quickly to an issue that has long rankled conservatives. Rep. Tom Cole (R-Okla.), a leadership ally, told reporters Wednesday there is virtually no chance the party would take up immigration reform before the next round of budget and debt-ceiling fights are settled. While that could happen by December if a budget conference committee strikes an agreement, that fight is more likely to drag on well into 2014: The next deadline for lifting the debt ceiling, for example, is not until Feb. 7. “I don’t even think we’ll get to that point until we get these other problems solved,” Cole said. He said it was unrealistic to expect the House to be able to tackle what he called the “divisive and difficult issue” of immigration when it can barely handle the most basic task of keeping the government’s lights on. “We’re not sure we can chew gum, let alone walk and chew gum, so let’s just chew gum for a while,” Cole said. In a colloquy on the House floor, Minority Whip Steny Hoyer (D-Md.) asked Majority Leader Eric Cantor (R-Va.) to outline the GOP's agenda between now and the end of 2013. Cantor rattled off a handful of issues — finishing a farm bill, energy legislation, more efforts to go after ObamaCare — but immigration reform was notably absent. When Hoyer asked Cantor directly on the House floor for an update on immigration efforts, the majority leader was similarly vague.

#### Worst climate impacts take decades to arrive and don’t assume adaptation

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from numerous warnings from scientists and others that give the impression that human- induced climate change is an immediate threat to society (IPCC 2007a, 2007c; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007a), crop production might fall in the low latitudes (IPCC 2007a), water supplies might dwindle (IPCC 2007a), precipitation might fall in arid regions (IPCC 2007a), extreme events will grow exponentially (Stern 2006), and between 20 and 30 percent of species will risk extinction (IPCC 2007a). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets, causing severe sea-level rise, which would inundate hundreds of millions of people (Dasgupta and others 2009). Proponents argue that there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well-being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic conse- quences. The science and economics of climate change are quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two, accord- ing to Stern 2006) of no mitigation. Many of the predicted impacts assume that there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold, and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long-range climate risks. What is needed are long-run balanced responses.

#### Obama’s agenda is dead-on-arrival.

Wilson 10/16 [Scott Wilson and Juliet Eilperin, Washington Post, Obama plans to renew immigration, climate change efforts, http://www.washingtonpost.com/politics/obama-plans-to-renew-immigration-climate-change-efforts/2013/10/16/d0a96cbe-367b-11e3-be86-6aeaa439845b\_story.html?wprss=rss\_politics]

New York University public service professor Paul C. Light is pessimistic that Obama can accomplish much in coming months. He said Obama is running out of time to get things done in the face of GOP resistance and the decline of influence that comes with a second term. “I don’t think that he’ll get anything. His agenda is finished,” Light said. “It’s a political tragedy, because he’s got more knowledge about the job and less juice to get it done.” Keith Hennessey, who served as President George W. Bush’s top economic adviser, said people shouldn’t overstate the significance of Wednesday’s political accord. “Substantively, the net result is they’ve pressed ‘pause.’ And that’s it,” said Hennessey, adding that while Obama “played defense successfully,” that does not mean he will now be able to go on offense. Hennessey said it will be hard for the president and congressional Republicans to reconcile their competing fiscal goals — Obama wants to ease across-the-board budget cuts, known as the sequester, while the GOP wants broad entitlement reforms. In addition, he said, the way the White House will likely campaign for its priorities could deepen the partisan divide. “If the president portrays this as this battle between light and dark, it’s hard for people to be simultaneously cooperating across party lines on other issues,” he said.

#### Combat restriction removal thumps the link

#### Plan has bipart support

NYT, 13 (Pentagon Is Set to Lift Combat Ban for¶ Women. http://lebloglibredemonquartier.midiblogs.com/media/01/01/1176410493.pdf)

Although in the past some Republican members of the House have balked at allowing women in¶ combat, on Wednesday there appeared to be bipartisan endorsement for the decision, which was first¶ reported by The Associated Press and CNN in midafternoon.¶ “It reflects the reality of 21st century military operations,” Senator Carl Levin, Democrat of Michigan¶ and chairman of the Senate Armed Services Committee, said in a statement.Senator Patty Murray, Democrat of Washington and the chairwoman of the Senate Veterans Affairs¶ Committee, called it a “historic step for recognizing the role women have, and will continue to play, in the defense of our nation.”¶ Senator Kelly Ayotte, a New Hampshire Republican and a member of the Armed Services Committee,¶ said in a statement that she was pleased by the decision and said that it “reflects the increasing role¶ that female service members play in securing our country.”¶ Representative Loretta Sanchez, the California Democrat who has long pressed to have women’s role¶ in combat recognized, said that she was pleased that Mr. Panetta was removing what she called “the¶ archaic combat exclusion policy.”¶ Senator Kirsten E. Gillibrand, a New York Democrat who has pushed for lifting the ban, called it “a¶ proud day for our country” and an important step in recognizing “the brave women who are already¶ fighting and dying.”

#### Their warming discourse causes war

Brzoska (Inst. for Peace Research and Security Policy @ Hamburg) 8

(Micahel, “The Securitization of climate change and the power of conceptions of security” ISA Convention Paper)

In the literature on securitization it is implied that when a problem is securitized it is difficult to limit this to an increase in attention and resources devoted to mitigating the problem (Brock 1997, Waever 1995). Securitization regularly leads to all-round ‘exceptionalism’ in dealing with the issue as well as to a shift in institutional localization towards ‘security experts’ (Bigot 2006), such as the military and police. Methods and instruments associated with these security organizations – such as more use of arms, force and violence – will gain in importance in the discourse on ‘what to do’. A good example of securitization was the period leading to the Cold War (Guzzini 2004 ). Originally a political conflict over the organization of societies, in the late 1940s, the East-West confrontation became an existential conflict that was overwhelmingly addressed with military means, including the potential annihilation of humankind. Efforts to alleviate the political conflict were, throughout most of the Cold War, secondary to improving military capabilities. Climate change could meet a similar fate. An essentially political problem concerning the distribution of the costs of prevention and adaptation and the losses and gains in income arising from change in the human environment might be perceived as intractable, thus necessitating the build-up of military and police forces to prevent it from becoming a major security problem. The portrayal of climate change as a security problem could, in particular, cause the richer countries in the global North, which are less affected by it, to strengthen measures aimed at protecting them from the spillover of violent conflict from the poorer countries in the global South that will be most affected by climate change. It could also be used by major powers as a justification for improving their military preparedness against the other major powers, thus **leading to arms races**. This kind of reaction to climate change would be counterproductive in various ways. Firstly, since more border protection, as well as more soldiers and arms, is expensive, the financial means compensate for the negative economic effects of reducing greenhouse gas emission and adapting to climate change will be reduced. Global military expenditure is again at the level of the height of the Cold War in real terms, reaching more than US $1,200 billion in 2006 or 3.5 percent of global income. While any estimate of the costs of mitigation (e.g. of restricting global warming to 2°C by 2050) and adaptation are speculative at the moment,1 they are likely to be substantial. While there is no necessary link between higher military expenditures and a lower willingness to spend on preventing and preparing for climate change, both policy areas are in competition for scarce resources.

#### No links, only turns, no one opposes the plan

Baldor 13 LOLITA C. BALDOR, Associated Press 01/24/13 Huffington Post Women In Combat Will Strengthen U.S. Military, Leon Panetta Says <http://www.huffingtonpost.com/2013/01/24/women-in-combat_n_2543276.html>

There long has been opposition to putting women in combat, based on questions of whether they have the necessary strength and stamina for certain jobs, or whether their presence might hurt unit cohesion. But the Pentagon's announcement was largely hailed by lawmakers and military groups. There were only a few offering dissenting views.

We solve the root cause

Bookchin, founder of the [social ecology](http://en.wikipedia.org/wiki/Social_ecology) movement within [anarchist](http://en.wikipedia.org/wiki/Anarchist), [libertarian socialist](http://en.wikipedia.org/wiki/Libertarian_socialism), and ecological thought 96 (Murray, “Towards an Ecological Society”, 1996, <http://logica.ugent.be/philosophica/fulltexts/13-6.pdf>)

These concepts, brought together in a totality that could be expressed as unity in diversity, spontaneity, and complementarity, comprise not only a judgement that derives from an "artful science" or "scientific art" (as I have described ecology elsewhere); they also constitute an overall sensibility that we are slowly recovering from a distant archaic world and placing in a new social context. The notion 76 M.BOOKCHIN that man is destined to dominate nature stems from the domination of man by man - and perhaps even earlier, by the domination of woman by man and the domination of the young by the old. The hierarchical mentality that arranges experience itself - in all its forms - along hierarchically pyramidal lines is a mode of perception and conceptualization in to which we have been socialized by hierarchical society. This mentality tends to be tenuous or completely absent in non-hierarchical communities. So-called "primitive" societies that are based on a simple sexual division of labor, that lack states and hierarchical institutions, do not experience reality as we do through a filter that categorizes phenomena in terms of "superior" and "inferior" or "above" and "below". In the absence of inequality, these truly organic communities do not even have a word for equality. As Dorothy Lee observes in her superb discussion of the "primitive" mind, "equality exists in the very nature of things, as a byproduct of the democratic structure of the culture itself, not as a principle to be applied. In such societies, there is no attempt to achieve the goal of equality, and in fact there is no concept of equality. Often, there is no linguistic mechanism whatever for comparison. What we find is an absolute respect for man, for all individuals irrespective of age and sex".

#### The negative’s idea of political capital is a lie and makes oppressive politics inevitable

Ruby-Sachs, J.D. from the University of Toronto and practices civil litigation, 2008

(Emma, 11/24, “[Ranking the Issues: Gay Rights in an Economic Crisis](http://www.huffingtonpost.com/emma-rubysachs/ranking-the-issues-gay-ri_b_146023.html)”, <http://www.huffingtonpost.com/emma-rubysachs/ranking-the-issues-gay-ri_b_146023.html>, Accessed: 7/7/2009)

On Friday, [the Washington Times reported](http://www.washingtontimes.com/news/2008/nov/21/obama-to-delay-repeal-of-dont-ask-dont-tell/) that Barack Obama will be waiting until 2010 to push for the end of Don't Ask Don't Tell. Obama staffers say the delay is necessary to allow for consensus building. The move raises a number of questions and concerns. At first brush it seems like smart politics: avoid a Clintonesque botch and give yourself some time to get support before taking on the gay issues. In fact, as a person as well as a lesbian, I find myself worrying more about health care and the economy than the ability of LGBT people to serve openly in the military. But just how should we be ranking identity politics in this grab bag moment of crisis and transition? The classic approach to politics is to rank priorities and measure the finite bowl of political capital. If Obama pushes hard on a [green new deal](http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=548&ArticleID=5957&l=en), he likely won't have much left for universal health care. If he backs off of serious economic regulation, then he might get more support for social programs from Republicans. Because gay civil rights struggles affect fewer individuals and relate to less quantifiable harms, it's hard to justify putting them at the top of the list. The alternative is to reject the ranked priorities political model altogether. There is little evidence that sway and support is finite in the American political system. Political capital relates to the actions of the leader, yes, but can be infinitely large or non-existent at any point in time. In some ways, the more you get done, the more the bowl of capital swells. Ranking America's problems to conserve political influence is a narrow minded approach to solving this crisis. Putting banks at the top of the list avoids the plight of large employers (like car companies - as much as we love to hate their executives). Sending health care and other social programs to second or third place, leaves those immediately affected by the crisis with nothing to fall back on. Finally, ignoring the disenfranchisement of a segment of the population breeds discontent, encourages protest, boycotts (a definite harm in this economy) and violence. It divides families (especially those who are still unable to sponsor their partner into the United States), imposes higher tax burdens on gay couples, denies benefits to gay spouses in many employment situations and polarizes social conservatives and social liberals in a time when consensus is essential. The first years of the Obama presidency cannot be about determining who and what matters and who and what doesn't. There should be no ranking of political promises and political objectives. As President of the United States, we expect Obama to be able to multitask. As LGBT people, we should not stop fighting for the end of DADT, but also the repeal of the Defense of Marriage Act and the implementation of hate crime legislation that recognizes LGBT victims. Identity politics do not need to fall to the back burner just because times are tough. Working towards full LGBT rights should, and hopefully will, remain a priority for all of us.

#### Winners win

Hirsch, 13 (Michael, Chief correspondent for the National Journal. There’s No Such Thing as Political Capital. http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### Political capital is irrelevant

Dickinson, ’09,– professor of political science at Middlebury College and taught previously at Harvard University where he worked under the supervision of presidential scholar Richard Neustadt (5/26/09, Matthew, Presidential Power: A NonPartisan Analysis of Presidential Politics, “Sotomayor, Obama and Presidential Power,” <http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/>)

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee. If we want to measure Obama’s “power”, then, we need to know what his real preference was and why he chose Sotomayor. My guess – and it is only a guess – is that after conferring with leading Democrats and Republicans, he recognized the overriding practical political advantages accruing from choosing an Hispanic woman, with left-leaning credentials. We cannot know if this would have been his ideal choice based on judicial philosophy alone, but presidents are never free to act on their ideal preferences. Politics is the art of the possible. Whether Sotomayer is his first choice or not, however, her nomination is a reminder that the power of the presidency often resides in the president’s ability to dictate the alternatives from which Congress (or in this case the Senate) must choose. Although Republicans will undoubtedly attack Sotomayor for her judicial “activism” (citing in particular her decisions regarding promotion and affirmative action), her comments regarding the importance of gender and ethnicity in influencing her decisions, and her views regarding whether appellate courts “make” policy, they run the risk of alienating Hispanic voters – an increasingly influential voting bloc (to the extent that one can view Hispanics as a voting bloc!) I find it very hard to believe she will not be easily confirmed. In structuring the alternative before the Senate in this manner, then, Obama reveals an important aspect of presidential power that cannot be measured through legislative boxscores.