# 2ac

### Case

#### 4. Perm solves best – even Butler agrees strategically using gender categories is politically effective

**Baldwin, 97** Margaret A. Baldwin, Assoc. Prof Law @ FSU, Spring 1997, “Public Women and the Feminist State,” 20 Harv. Women’s L.J. 47, p ln

However salutary the postmodern goal of de-essentializing women, postmodern theory ultimately effaces the specific situation of public women, and forfeits altogether any account of gender along the way. This difficulty, and its implications for political strategy, is often spoken of but rarely addressed seriously within postmodern feminism. Denise Riley offers the diktat that at such junctures women can know amongst themselves "that 'women' don't exist -- while maintaining a politics of [\*160] 'as if they existed' -- since the world behaves as if they unambiguously did." 434 Judith Butler makes the same tactical concession when she affirms the continued necessity of asserting "a generally shared conception of 'women'" 435 as a political strategy: Within feminism, it seems as if there is some political necessity to speak as and for women, and I would not contest that necessity. Surely, that is the way in which representational politics operates, and . . . lobbying efforts are virtually impossible without recourse to identity politics. So we agree that demonstrations and legislative efforts and radical movements need to make claims in the name of women. 436

### T

#### 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.

#### 1ac urias—power was delegated to the president

Panetta acted under authority delegated by congress and the Commander in Chief Authority

Sisk 13 Richard Sisk, Military.com Jan 24, 2013 Panetta: Women in Combat Strengthens US Military

http://www.military.com/daily-news/2013/01/24/panetta-women-in-combat-strengthens-us-military.html

The U.S. military's leadership lifted the official ban on women serving in combat roles Thursday. Defense Secretary Leon Panetta said removing gender barriers within the U.S. military will improve the fighting force as a whole.

"It's clear to all of us that women are contributing in unprecedented ways to the military's mission of defending the nation," Panetta said. "Female service members have faced the reality of combat, proven their willingness to fight and, yes, to die to defend their fellow Americans."

Panetta and Army Gen. Martin Dempsey, the chairman of the Joint Chiefs of Staff, said lifting the ban would open up about 237,000 military jobs to women. About 53,000 positions are closed to women by units, such as Brigade Combat Teams in the Army, and another 184,000 by Military Occupational Specialty (MOS), such as Special Forces or tank crews.

"We are eliminating the direct ground combat exclusion rule" that barred women from front-line infantry, armor, artillery units and Special Operations, Panetta said. In the future, "if members of the military meet the qualifications for the job – not reduced qualifications – then they should have the right to serve" in whatever MOS they choose, Panetta said.

Panetta and Dempsey ordered the service chiefs to report back to them by May 15 on how they intend to implement the new rules, but Dempsey said he expected women to begin serving this year in previously barred specialties. The services will have until January 2016 to decide whether to ask for exceptions in certain MOS fields to the elimination of the ban on women in combat roles.

Lifting the ban recognizes the realities of service in the modern military after more the 10 years of war in 360-degree combat zones where insurgent attacks come from any direction and front lines are non-existent, Dempsey said.

"The more we can treat people equally, the more likely they are to treat each other equally" and improve readiness, Dempsey said.

Women make up approximately 15 percent, or nearly 202,400, of the U.S. military's 1.4 million active duty personnel. More than 280,000 women have served in Iraq and Afghanistan. At least 152 military women have been killed and more than 300 have earned Purple Heats for wounds in combat.

"We're way beyond that" already, Dempsey said of the current ban on women in ground combat. It ignores the daily performance of women as military police, medics and as part of "Female Engagement Teams" on patrol in Iraq and Afghanistan.

Dempsey said he "realized something had changed" when he jumped into a Humvee in Iraq as a division commander, slapped the leg of the turret gunner and asked: "Who are you?" The soldier replied "I'm Amanda," Dempsey said.

The standard on women has shifted from why they shouldn't to why they should serve in a particular specialty, Dempsey said.

Panetta acted on his own in removing the ban on women in combat roles under his statutory authority, and that of President Obama as commander-in-chief. His action did not require approval from Congress.

#### Contextual ev proves

Stokes 13 Zeke Stokes January 24, 2013 ROBINSON PRAISES PANETTA FOR ACTION ON WOMEN IN COMBAT

http://www.sldn.org/news/archives/robinson-praises-panetta-for-action-on-women-in-combat/

WASHINGTON, DC) Army veteran and OutServe-SLDN Executive Director Allyson Robinson praised Secretary of Defense Leon Panetta for using his authority to lift the ban on women in combat and called on him to exercise his leadership in the final days of his term to take decisive action on behalf of the nation’s gay and lesbian service members and their families

#### No aff’s under their interp—no explicitly delegated powers

#### Implicit delegation affs are good—all of OCO’s, core of topic, then only change things congress has explicitly limited Obama on, they’d always win on circumvention

#### 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.

#### We are a reduction – we reduce the president’s authority to introduce a certain kind of forces.

#### 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.

#### Core of the topic – aff’s like strengthen the war powers resolution or require congressional consultation all restrict the president’s war powers authority, they do not eliminate his ability to introduce forces anywhere.

#### Mixes burdens – we can’t guarantee that a restriction will be followed. A plan that banned drones could lead the president to conduct the same strikes with the cia.

#### Ground loss inevitable – the aff is only required to restrict the president’s authority. There will never be a guarantee that we materially reduce the president’s ability to introduce forces.

#### Reasonability – competing interpretations causes a race to the bottom.

## Circumvention

#### Obama doesn’t circumvent, supports the plan, 1ac

#### Circumvention=solvency deficits to XO, but solvency args for us. Law suits

#### The aff gets a fiat assumption for the president for several reasons

#### A. President is part of the USFG – the agent of the resolution.

#### Presidential authority is the object of the resolution, not the president. Agent fiat is legitimate.

#### B. President is part of the statutory process

#### Obviously the president signs and, thus, endorses the statute. The president also enforces statutes, even ones restricting authority

Bejesky 12 ROBERT BEJESKY, M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American government and constitutional law courses for Alma College, and business law courses at Central Michigan University and the University of Miami. St. Mary's Law Journal 2012 44 St. Mary's L. J. 1 ARTICLE: WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE "ZONE OF TWILIGHT"

The Constitution allocates authority in foreign policy. Congress's authority in international relations includes ratifying treaties with Senate approval, implementing international law, and actualizing international initiatives with substantial domestic effects or those that require funding. n53 Nonetheless, the President is the country's exclusive agent in international relations. n54 As John Marshall stated in the House of Representatives in [\*13] 1800, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." n55 As the solitary voice as head of state, the President may be congressionally obliging by markedly incorporating congressional opinion when representing the nation, or by favoring executive prerogative in developing initiatives for peacetime affairs. n56 However, the Court recognized that the head of state power can "be regulated by treaty or by [an] act of [C]ongress" and that those restrictions must "be executed by the [E]xecutive." n57

#### Fiating through circumvention should be reciprocal. Anything else makes it impossible to be affirmative—they fiat through our only solvency deficits and we can’t fiat through their’s.

### K

#### Not speaking for others destroys critique—the ability to retreat from dialogue creates an individualist ideology

Laura **Sells** (Presented at a Roundtable on "Public Speaking and the Feminist Public Sphere: Doing Difference Differently," at the Western States Communication Association conference ”On Feminist Civility: Retrieving the Political in the Feminist Public Forum” 19**97**) [Gunnarsdottir]

In her recent article, "The Problems of Speaking For Others," Linda Alcoff points out the ways in which this retreat rhetoric has actually become an evasion of political responsibility. Alcoff's arguments are rich and their implications are many, but one implication is relevant to a vital feminist public forum. The retreat from speaking for others politically dangerous because it erodes public discourse.

First, the retreat response presumes that we can, indeed, "retreat to a discrete location and make singular claims that are disentangled from other's locations." Alcoff calls this a "false ontological configuration" in which we ignore how our social locations are always already implicated in the locations of others. The position of "not speaking for others" thus becomes an alibi that allows individuals to avoid responsibility and accountability for their effects on others. The retreat, then, is actually a withdrawal to an individualist realm, a move that reproduces an individualist ideology and privatizes the politics of experience. As she points out, this move creates a protected form of speech in which the individual is above critique because she is not making claims about others. This protection also gives the speaker immunity from having to be "true" to the experiences and needs of others. As a form of protected speech, then, "not speaking for others" short-circuits public debate by disallowing critique and avoiding responsibility to the other.

Second, the retreat response undercuts the possibility of political efficacy. Alcoff illustrates this point with a list of people--Steven Biko, Edward Said, Rigoberta Menchu--who have indeed spoken for others with significant political impact. As she bluntly puts it, both collective action and coalition necessitate speaking for others.

aff—Oppressed must speak alone

#### The oppressed must speak for themselves—our intervention destroys effective representation

Carole **Fabricant** (The Johns Hopkins University Press. “Speaking for the Irish Nation: The Drapier, the Bishop, and the Problems of Colonial Representation, 19**99**) [Gunnarsdottir]

In this situation, acts of representation--specifically, of speaking for the oppressed or the colonized--become particularly fraught (if not indeed, on the face of it, a blatant contradiction in terms), and seem inconceivable without postulating a bad faith or false consciousness of mammoth proportions. Such acts seem to provide powerful justification for Gilles Deleuze's insistence on "the indignity of speaking for others" and his assertion that "only those directly concerned can speak in a practical way on their own behalf." [11](http://muse.jhu.edu/journals/elh/v066/66.2fabricant.html#FOOT11) And yet, Spivak too has a point (even though she chooses to overlook the compelling circumstances, namely the événements of May 1968, motivating his protest) when she challenges Deleuze on this matter, deriding the idea that we, as intellectuals (or relatively privileged members of society) should simply back off in silence and let the oppressed speak for themselves: an act [End Page 339] which conveniently absolves us from the responsibility of intervening in intolerable situations and which assumes the possibility of transparency, of an end to the need for all representation. But as Spivak succinctly reminds us, "representation has not withered away." [12](http://muse.jhu.edu/journals/elh/v066/66.2fabricant.html#FOOT12) Certainly it showed little sign of withering away in eighteenth-century Ireland, where, when the oppressed did speak for themselves, it was often both literally and figuratively in another language, one that required translation into the idiom of power to have any effect within the governing structures of society.

### 2ac

#### **Perm do both**

1. Shields the link—their link is based on Obama entering fightsObama wouldn’t fight for his war powers if he’s also executive ordering it.

#### **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.

1. No link—Obama supports the plan, that’s 1ac urias

#### 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.

### Debt Ceiling 2ac

#### Economic decline doesn’t cause war.

Jervis 11 [Robert, Adlai E. Stevenson Professor of International Politics in the Department of Political Science, and a Member of the Arnold A. Saltzman Institute of War and Peace Studies at Columbia University. Force in Our Times Saltzman Working Paper No. 15 July 2011 http://www.siwps.com/news.attachment/saltzmanworkingpaper15-842/SaltzmanWorkingPaper15.PDF]

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy, and bring back old-fashioned beggar-thy-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a pre-existing high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, **it will not make war thinkable.**

#### FERC thumps.

Dixon 10/1 [Darius Dixon, Politico, “Obama FERC nominee Ron Binz withdraws amid coal pushback”, http://www.politico.com/story/2013/10/ron-binz-ferc-nominee-withdraws-name-97623.html, October 1, 2013]

President Barack Obama’s nominee to lead the Federal Energy Regulatory Commission abandoned his quest Tuesday, complaining that the fight over his confirmation had become a **“blood sport”** for partisan attacks and opponents backed by the coal industry. The collapse of Ron Binz’s nomination to lead the little-known agency was a **stunning setback** for Obama, who had succeeded in winning Senate confirmations for far more controversial nominees at Environmental Protection Agency, the Pentagon and the Labor Department. Continue Reading The consultant and career energy regulator had won over supporters from the green energy world — some of whom took the unusual step of hiring a public relations firm to advance his cause. But Binz said he couldn’t overcome a **furious opposition campaign** in which his record was “spun and respun” to make him appear biased against fossil fuels. “The caricature that they created had nothing to do with who I am and nothing to do with what I might’ve brought to FERC. It was just a blood sport,” Binz told POLITICO in his first extensive interview since Obama nominated him in June. “I came to Washington with this 35-year career behind me only to encounter a fictional Ron Binz, a fictional character that I didn’t recognize and I would never even support,” he added. Conservative and libertarian groups celebrated Binz’s withdrawal as a setback for Obama’s climate agenda, while his supporters lamented that partisan bickering had defeated a qualified candidate.

#### Removal of restriction on WIC thumps link--- 1ac Urias evidence

#### Obama’s irrelevant

Fallows 9/27 [James, The Atlantic, Your False-Equivalence Guide to the Days Ahead http://www.theatlantic.com/politics/archive/2013/09/your-false-equivalence-guide-to-the-days-ahead/280062/]

As a matter of politics, this is different from anything we learned about in classrooms or expected until the past few years. We're used to thinking that the most important disagreements are between the major parties, not within one party; and that disagreements over policies, goals, tactics can be addressed by negotiation or compromise. This time, the fight that matters is within the Republican party, and that fight is over whether compromise itself is legitimate.\*\* Outsiders to this struggle -- the president and his administration, Democratic legislators as a group, voters or "opinion leaders" outside the generally safe districts that elected the new House majority -- have essentially no leverage over the outcome. I can't recall any situation like this in my own experience, and the only even-approximate historic parallel (with obvious differences) is the inability of Northern/free-state opinion to affect the debate within the slave-state South from the 1840s onward. Nor is there a conceivable "compromise" the Democrats could offer that would placate the other side. As a matter of journalism, any story that presents the disagreements as a "standoff," a "showdown," a "failure of leadership," a sign of "partisan gridlock," or any of the other usual terms for political disagreement, represents a failure of journalism\*\*\* and an inability to see or describe what is going on. For instance: the "dig in their heels" headline you see below, which is from a proprietary newsletter I read this morning, and about which I am leaving off the identifying details. This isn't "gridlock." It is a ferocious struggle within one party, between its traditionalists and its radical factions, with results that unfortunately can harm all the rest of us -- and, should there be a debt default, could harm the rest of the world too.

#### **Their discourse of economic crisis papers over the perpetual crisis that is patriarchal capitalism**

Shannon and Volcano (editor of the Routledge journal Contemporary Anarchist Studies; member of the Workers Solidarity Alliance and Queers without Borders) 12

(Deric and Abby, Capitalism in the 2000s in *The Accumulation of Freedom*, pg. 87-88)

As Asimakopoulos explains in this collection, capitalism is prone to periodic "crises." This isn't necessarily a new insight‑a. system based on capital investments creates "bubbles" in expanding industries (i.e., housing, the "dot corn boom," etc.) that cannot last, but that investors want to make a quick buck off (or a few million, for that matter). When these bubbles "burst" (when they are no longer profitable), investors stop raking in profits and this can lead to economic downturns‑to recessions or, in the case of the current crisis, depressions.

But what do we mean with this discourse of"crisis?" A quick look at the ultra‑rich doesn't show a drastic reduction in comfort and lifestyle. And while unemployment, poverty; precarity, and privation are affecting larger sections of the world's population, those problems are business as usual for a significant portion of the world. And yet we declare capitalism in "crisis" now, For children working in sweatshops, for entire countries struggling with food insecurity and hunger, for continents grappling with an AIDS crisis that disproportionately affects our most marginalized populations, for trafficked women and children, for queer youth struggling to obtain basic resources and kicked out of their homes by fundamentalist parents, for those people living with the legacy of colonization and slavery‑for the majority of the world's inhabitants capitalism IS the crisis. But the discourse of "crisis" isn't employed until it starts hurting the collective bottom line of the wealthy. 'This, in and of itself, can be used as an opportunity to discuss the need for socialist alternatives. And the truth is that capitalism requires these "crises" to function. People talk about events like the 1987 stock market crash, the Asian financial crisis of 1997, and the dot‑corn and housing bubbles and bursts as though they are anomalies. These things are regular features of capitalism. And those not at the top tiers of our global class system (about 95 percent of the world) are experiencing crisis every single day‑a constant crisis of sorts. So the discourse surrounding crises themselves seem to uphold that capitalism is more or less functioning the rest of the time. More and more people are coming to the realization that this is not the case‑and we need to be pressing this point as we battle against austerity. If we want to avoid "austerity," we need to smash capitalism to pieces. No amount of good‑hearted reform or Keynesian policy is going to substantively address the social crisis that is capitalism.

#### No debt deal—neither side will back down

NBC 10/4 [http://firstread.nbcnews.com/\_news/2013/10/04/20818520-first-thoughts-conservatives-arent-backing-down]

\*\*\* Conservatives aren’t backing down: Here we are in Day 4 of the government shutdown, and after a brief period of comity yesterday (given the violent episode on Capitol Hill), both sides in the stalemate are back into their respective corners. That’s especially true for conservatives. Despite polls showing that more Americans are blaming Republicans than Democrats for the shutdown, and despite establishment Republicans admitting they aren’t winning this fight, conservatives aren’t backing down. In fact, they feel they have survived the fallout from the first few days. Case in point is Sen. Rand Paul’s (R-KY) admission in that hot-mic moment that “We’re gonna win this, I think.” Is that the reality of this standoff? Or it is simply due to the conservative echo chamber? After all, one of the major differences between the last shutdown (in 1995-1996) and now is the rise of FOX News, Drudge, and Breitbart News. As the New York Times recently wrote, “a fervent group of conservatives — bloggers, pundits, activists and even members of Congress — is harnessing the power of the Internet, determined to tell the story of the current budget showdown on its terms.” It explains why conservatives aren’t as convinced as many others are that this will do significant damage to the party.

#### 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.”

#### 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.

#### 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.

# 1ar

#### Truman's EO was not effective in desegregating the military – it is myth

Harvard Law Review 4 Harvard Law Review NO AUTHOR CITED April, 2004 117 Harv. L. Rev. 1981

NOTE: LESSONS IN TRANSCENDENCE: FORCED ASSOCIATIONS AND THE MILITARY

How did we get here? The tale of President Truman's forced integration of the military after World War II has lately been mythologized as an American success story. [n34](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n34) Blacks had participated in the military since the colonial era, [n35](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n35) but during World War II the military maintained mostly segregated units and enforced discriminatory policies, such as that prohibiting a black officer from outranking a white officer in his unit. [n36](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n36) Following Truman's 1948 executive order to desegregate military units, [n37](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n37) integration was nominally achieved in 1954, ten years ahead of the Civil Rights Act of 1964. [n38](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n38) Still, military leaders continued to resist integration until the exigencies of the Vietnam War and abandonment of the draft opened their eyes to the need for real inclusion of racial minorities within their ranks. [n39](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.200858.74038213136&target=results_DocumentContent&returnToKey=20_T18290581829&parent=docview&rand=1380769935029&reloadEntirePage=true" \l "n39)