### K

#### Even if you reduce the overt racism present in the current nuclear regime, you have done nothing to resolve the foundations of civil society and the destruction and enslavement of the black body - whiteness has found itself another handy deferment tactic, this one the empty acknowledgement of privilege without an equal reaction to that privilege. Your acknowledgement is empty words until it changes the way you act in the world. Your humanism is birthed from the murder of the slave.

Wilderson ’10 [Frank, Associate Professor at UC Irvine’s Department of Drama and African American Studies, Red, White & Black: Cinema and the Structure of U.S. Antagonisms, pp. 21-23]

Again, what is important for us to glean from these historians is that the preColumbian period, the Late Middle Ages, reveals no archive of debate on these three questions as they might be related to that massive group of Black-skinned people south of the Sahara. Eltis suggests that there was indeed massive debate which ultimately led to Britain taking the lead in the abolition of slavery, but he reminds us that that debate did not have its roots in the late Middle Ages, the post-Columbian period of the 1500s or the Virginia Colony period of the 1600s. It was, he asserts, an outgrowth of the mid- to late-18th century emancipatory thrust—intra-Human disputes such as the French and American Revolutions—that swept through Europe. But Eltis does not take his analysis further than this. Therefore, it is important that we not be swayed by his optimism of the Enlightenment and its subsequent abolitionist discourses. It is highly conceivable that the discourse that elaborates the justification for freeing the slave is not the product of the Human being’s having suddenly and miraculously recognized the slave. Rather, as Saidiya Hartman argues, emancipatory discourses present themselves to us as further evidence of the Slave’s fungibility: “[T]he figurative capacities of blackness enable white flights of fancy while increasing the likelihood of the captive’s disappearance…” (Scenes…22). First, the questions of Humanism were elaborated in contradistinction to the human void, to the African-quachattel (the 1200s to the end of the 17th century). Then, as the presence of Black chattel in the midst of exploited and un-exploited Humans (workers and bosses, respectively) became a fact of the world, exploited Humans (in the throes of class conflict with un-exploited Humans) seized the image of the slave as an enabling vehicle that animated the evolving discourses of their emancipation, just as un-exploited Humans had seized the flesh of the Slave to increase their profits. Without this gratuitous violence, a violence that marks everyone experientially until the late Middle Ages when it starts to mark the Black ontologically, the so-called great emancipatory discourses of modernity—marxism, feminism, postcolonialism, sexual liberation, and the ecology movement—political discourses predicated on grammars of suffering and whose constituent elements are exploitation and alienation, might not have developed.vi Chattel slavery did not simply reterritorialize the ontology of the African. It also created the Human out of culturally disparate entities from Europe to the East. I am not suggesting that across the globe Humanism developed in the same way regardless of region or culture; what I am saying is that the late Middle Ages gave rise to an ontological category—an ensemble of common existential concerns—which made and continues to make possible both war and peace, conflict and resolution, between the disparate members of the human race, east and west. Senator Thomas Hart Benton intuited this notion of the existential commons when he wrote that though the “Yellow race” and its culture had been “torpid and stationary for thousands of years… [Whites and Asians] must talk together, and trade together, and marry together. Commerce is a great civilizer—social intercourse as great—and marriage greater” (The Congressional Globe. May 28, 1846). David Eltis points out that as late as the 17th century, “[p]risoners taken in the course of European military action…could expect death if they were leaders, or banishment if they were deemed followers, but never enslavement…Detention followed by prisoner exchanges or ransoming was common” (1413). “By the seventeenth century, enslavement of fellow Europeans was beyond the limits” (1423) of Humanism’s existential commons, even in times of war. Slave status “was reserved for non-Christians. Even the latter group however…had some prospect of release in exchange for Christians held by rulers of Algiers, Tunis, and other Mediterranean Muslim powers” (emphasis mine 1413). But though the practice of enslaving the vanquished was beyond the limit of intra-West wars and only practiced provisionally in East-West conflicts, the baseness of the option was not debated when it came to the African. The race of Humanism (White, Asian, South Asian, and Arab) could not have produced itself without the simultaneous production of that walking destruction which became known as the Black. Put another way, through chattel slavery the world gave birth and coherence to both its joys of domesticity and to its struggles of political discontent; and with these joys and struggles, the Human was born, but not before it murdered the Black, forging a symbiosis between the political ontology of Humanity and the social death of Blacks. In his essay “To ‘Corroborate Our Claims’: Public Positioning and the Slavery Metaphor in Revolutionary America,” Peter Dorsey (in his concurrence with cultural historians F. Nwabueze Okoye and Patricia Bradley) suggests that, in mid- to late-18th century America, Blackness was such a fungible commodity that it was traded as freely between the exploited (workers who did not “own” slaves) as it was between the unexploited (planters who did). This was due to the effective uses to which Whites could put the Slave as both flesh and metaphor. For the Revolutionaries, “slavery represented a ‘nightmare’ that white Americans were trying to avoid” (359). Dorsey’s claim is provocative, but not unsupported: he maintains that had Blacks-as-Slaves not been in the White field of vision on a daily basis that it would have been virtually impossible for Whites to transform themselves from colonial subjects into Revolutionaries: Especially prominent in the rhetoric and reality of the [Revolutionary] era, the concepts of freedom and slavery were applied to a wide variety of events and values and were constantly being defined and redefined…[E]arly understandings of American freedom were in many ways dependent on the existence of chattel slavery…[We should] see slavery in revolutionary discourse, not merely as a hyperbolic rhetorical device but as a crucial and fluid [fungible] concept that had a major impact on the way early Americans thought about their political future…The slavery metaphor destabilized previously accepted categories of thought about politics, race, and the early republic. (355) Though the idea of “taxation without representation” may have spoken concretely to the idiom of power that marked the British/American relation as being structurally unethical, it did not provide metaphors powerful and fungible enough for Whites to meditate and move on when resisting the structure of their own subordination at the hands of “unchecked political power” (354). The most salient feature of Dorsey’s findings is not his understanding of the way Blackness, as a crucial and fungible conceptual possession of civil society, impacts and destabilizes previously accepted categories of intra-White thought, but rather his contribution to the evidence that, even when Blackness is deployed to stretch the elasticity of civil society to the point of civil war, that expansion is never elastic enough to embrace the very Black who catalyzed the expansion. In fact, Dorsey, building on Patricia Bradley’s historical research, asserts that just the opposite is true. The more the political imagination of civil society is enabled by the fungibility of the slave metaphor, the less legible the condition of the slave becomes: “Focusing primarily on colonial newspapers…Bradley finds that the slavery metaphor ‘served to distance the patriot agenda from the antislavery movement.’ If anything, Bradley states, widespread use of the metaphor ‘gave first evidence that the issue of real slavery was not to have a part in the revolutionary messages’” (359). And David Eltis believes that this philosophical incongruity between the image of the Slave and freedom for the Slave begins in Europe and pre-dates the American Revolution by at least one hundred years: The [European] countries least likely to enslave their own had the harshest and most sophisticated system of exploiting enslaved non-Europeans. Overall, the English and Dutch conception of the role of the individual in metropolitan society ensured the accelerated development of African chattel slavery in the Americas…because their own subjects could not become chattel slaves or even convicts for life…There may be something to be said for expanding a variation of Edmund Morgan’s argument to cover the whole of the British Atlantic, in the sense that the celebration of British liberties—more specifically, liberties of Englishmen—depended on African slavery. (Emphasis mine 1423) The circulation of Blackness as metaphor and image at the most politically volatile and progressive moments in history (e.g. the French, English, and American Revolutions), produces dreams of liberation which are more inessential to and more parasitic on the Black, and more emphatic in their guarantee of Black suffering, than any dream of human liberation in any era heretofore. Black Slavery is foundational to modern Humanism’s ontics because “freedom” is the hub of Humanism’s infinite conceptual trajectories. But these trajectories only appear to be infinite. They are finite in the sense that they are predicated on the idea of freedom from… some contingency that can be named, or at least conceptualized. The contingent rider could be freedom from patriarchy, freedom from economic exploitation, freedom from political tyranny (for example, taxation without representation), freedom from heteronormativity, and so on. What I am suggesting is that first, political discourse recognizes freedom as a structuring ontologic and then it works to disavow this recognition by imagining freedom not through political ontology—where it rightfully began—but through political experience (and practice); whereupon it immediately loses its ontological foundations. Why would anyone do this? Why would anyone start off with, quite literally, an earth-shattering ontologic and, in the process of meditating on it and acting through it, reduce it to an earth reforming experience? Why do Humans take such pride in self-adjustment, in diminishing, rather than intensifying, the project of liberation (how did we get from ’68 to the present)? Because, I contend, in allowing the notion of freedom to attain the ethical purity of its ontological status, one would have to lose one’s Human coordinates and become Black. Which is to say one would have to die. For the Black, freedom is an ontological, rather than experiential, question. There is no philosophically credible way to attach an experiential, a contingent, rider onto the notion of freedom when one considers the Black—such as freedom from gender or economic oppression. The kind of contingent riders rightfully placed on the non-Black when thinking freedom. Rather, the riders that one could place on Black freedom would be hyperbolic— though no less true—and ultimately untenable: i.e., freedom from the world, freedom from humanity, freedom from everyone (including one’s Black self). Given the reigning episteme, what are the chances of elaborating a comprehensive, much less translatable and communicable, political project out of the necessity of freedom as an absolute? Gratuitous freedom has never been a trajectory of Humanist thought, which is why the infinite trajectories of freedom that emanate from Humanism’s hub are anything but infinite—for they have no line of flight leading to the Slave.

#### This debate begs the question of what it means to be political. Traditional definitions are based in Whiteness; they are attempts to preserve civil society built on the back of the slave, with borders defined by the ontological death of the black population. We play a stick up artist to the world, demanding all that it cannot give. The destruction of the world *as we know it* is the only road to freedom.

Wilderson 2010 (Frank Wilderson - Associate professor of African American Studies, Percy Howard – Psychotherapist asking questions of FW, “Frank Wilderson, Wallowing in the Contradictions, Part 1” <http://percy3.wordpress.com/2010/07/09/frank-b-wilderson-%E2%80%9Cwallowing-in-the-contradictions%E2%80%9D-part-1/>)

FW Reparations suggests a conceptually coherent loss. The loss of land, the loss of labor power, etc. In other words, there has to be some form of articulation between the party that has lost and the party that has gained for reparations to make sense. No such articulation exists between Blacks and the world. This is, ironically, precisely why I support the Reparations Movement; but my emphasis, my energies, my points of attention are on the word “Movement” and not on the word “Reparation.” I support the movement because I know it is a movement toward the end of the world; a movement toward a catastrophe in epistemological coherence and institutional integrity—I support the movement aspect of it because I know that repair is impossible; and any struggle that can act as a stick up artist to the world, demanding all that it cannot give( which is everything ), is a movement toward something so blindingly new that it cannot be imagined. This is the only thing that will save us. PH As a Psychotherapist, I was very interested to see your contrasting Frantz Fanon and Lacan concerning their conceptualizations of potential paths to “emancipation in the libidinal economy”, as you put it. I am ashamed to admit that I have never read Fanon, but have read Lacan. Please illuminate  your idea that the stark difference in their conceptualizations of conflict/antagonism differ are based on the fact that Lacan would  still see Blacks as fundamentally situated in personhood, but that Fannon (and yourself) see Blacks as “situated a priori in absolute dereliction”.FW This is a big question, too big for a concise answer—I think I take about thirty to forty pages to try and get my head around this in the book. But the key to the answer lies in the concept of “contemporaries.” Fanon rather painfully and meticulously shows us how the human race is a community of “contemporaries.” In addition, this community vouchsafes its coherence (it knows its borders) through the presence of Blacks. If Blacks became part of the human community then the concept of “contemporaries” would have no outside; and if it had no outside it could have no inside. Lacan assumes the category and thus he imagines the analysand’s problem in terms of how to live without neurosis among ones contemporaries. Fanon interrogates the category itself. For Lacan the analysands suffer psychically due to problems  extant within the paradigm of contemporaries. For Fanon, the analysand   suffers due to the existence of the contemporaries themselves and the fact that s/he is a stimulus for anxiety for those who have contemporaries. Now, a contemporary’s struggles are conflictual—that is to say, they can be resolved because they are problems that are of- and in the world. But a Blacks problems are the stuff of antagonisms: struggles that cannot be resolved between parties but can only be resolved through the obliteration of one or both of the parties. We are faced—when dealing with the Black—with a set of psychic problems that cannot be resolved through any form of symbolic intervention such as psychoanalysis—though addressing them psychoanalytically we can begin to explain the antagonism (as I have done in my book, and as Fanon does), but it won’t lead us to a cure.

#### Thus the Alternative: Give Turtle Island Back to the “Savage.” Give life itself back to the Slave.

Wilderson ’10 [Frank, Associate Professor at UC Irvine’s Department of Drama and African American Studies, Red, White & Black: Cinema and the Structure of U.S. Antagonisms, pp. 2-4]

What are we to make of a world that responds to the most lucid enunciation of ethics with violence? What are the foundational questions of the ethico-political? Why are these questions so scandalous that they are rarely posed politically, intellectually, and cinematically— unless they are posed obliquely and unconsciously, as if by accident? Give Turtle Island back to the “Savage.” Give life itself back to the Slave. Two simple sentences, fourteen simple words, and the structure of U.S. (and perhaps global) antagonisms would be dismantled. An “ethical modernity” would no longer sound like an oxymoron. From there we could busy ourselves with important conflicts that have been promoted to the level of antagonisms, such as class struggle, gender conflict, and immigrants’ rights. One cannot but wonder why questions that go to the heart of the ethico-political, questions of political ontology, are so unspeakable in intellectual meditations, political broadsides, and even socially and politically engaged feature films. Clearly they can be spoken, even a child could speak those lines, so they would pose no problem for a scholar, an activist, or a filmmaker. And yet, what is also clear—if the filmographies of socially and politically engaged directors, the archive of progressive scholars, and the plethora of left-wing broadsides are anything to go by—is that what can so easily be spoken is now (500 years and 250 million Settlers/Masters on) so ubiquitously unspoken that these two simple sentences, these fourteen words not only render their speaker “crazy” but become themselves impossible to imagine. Soon it will be forty years since radical politics, left-leaning scholarship, and socially engaged feature films began to speak the unspeakable. In the 1960s and early 1970s the questions asked by radical politics and scholarship were not Should the United States be overthrown? or even Would it be overthrown? but when and how—and, for some, what would come in its wake. Those steadfast in their conviction that there remained a discernable quantum of ethics in the United States writ large (and here I am speaking of everyone from Martin Luther King Jr. prior to his 1968 shift, to the Tom Hayden wing of Students for Democratic Society, to the Julian Bond and Marion Barry faction of the Student Nonviolent Coordinating Committee, to Bobby Kennedy Democrats) were accountable, in their rhetorical machinations, to the paradigmatic zeitgeist of the Black Panthers, the American Indian Movement, and the Weather Underground. Radicals and progressives could deride, reject, or chastise armed struggle mercilessly and cavalierly with respect to tactics and the possibility of “success,” but they could not dismiss revolution-as-ethic because they could not make a convincing case—by way of a paradigmatic analysis—that the United States was an ethical formation and still hope to maintain credibility as radicals and progressives. Even Bobby Kennedy (as a U.S. attorney general) mused that the law and its enforcers had no ethical standing in the presence of Blacks. One could (and many did) acknowledge America’s strength and power. This seldom rose to the level of an ethical assessment, however, remaining instead an assessment of the “balance of forces.” The political discourse of Blacks, and to a lesser extent Indians, circulated too widely to wed the United States and ethics credibly. The raw force of COINTEL put an end to this trajectory toward a possible hegemony of ethical accountability. Consequently, the power of Blackness and Redness to pose the question—and the power to pose the question is the greatest power of all—retreated as did White radicals and progressives who “retired” from the struggle. The question lies buried in the graves of young Black Panthers, AIM warriors, and Black Liberation Army soldiers, or in prison cells where so many of them have been rotting (some in solitary confinement) for ten, twenty, or thirty years, and at the gates of the academy where the “crazies” shout at passersby. Gone are not only the young and vibrant voices that effected a seismic shift on the political landscape, but also the intellectual protocols of inquiry, and with them a spate of feature films that became authorized, if not by an unabashed revolutionary polemic, then certainly by a revolutionary zeitgeist.

### Inclusion DA

#### The negatives rate of delivery necessary precludes the inclusion of individuals with disabilities in the debate space, this has two implications

#### They allow future violence- their engagement with this activity is founded upon a violent hierarchy of norms that reject certain individuals from debating. Prevents any form of an inclusive activity

#### Turns their politics- the engagement they are looking for is mired in ableist constructs, preventing any truly progressive forms of change. This is an independent

### Case

#### The 1AC epitomizes anti-nuclear imperialism. Reducing our nuclear weapons only serves to bolster U.S. imperialism and has the perverse effect of creating support for military intervention against would-be proliferators--

**BondGraham 2009** [Darwin, Ph.D. Candidate at UC Santa Barbara, "Anti-Nuclear Imperialism: The New Face of Nuclear Armed Empire is Quickly Taking Shape," [http://darwinbondgraham. blogspot.com/](http://darwinbondgraham.blogspot.com/)  
2009/09/anti-nuclear- imperialism-new-face-of.html]

Many of the foreign policy elite, especially those who feel most adamantly that the Bush years were wasted and that they actually imperiled the imperial project, see many of these recent developments in the US as an immense possibility to turn the corner and implement a smart, far-reaching US nuclear strategy, one complimentary to the extension of US hegemony. While they're still being digested by politicians, military leaders, and weaponeers, it does appear that an emerging new majority is coalescing around what can only be described as a policy of anti-nuclear imperialism. Anti-nuclear imperialism is a possible solution to the core contradiction of empire in the nuclear age: the need to maintain and threaten use of nuclear weapons (ultimate power), but the simultaneous and opposite need to prevent rivals from attaining parity, and lesser states from acquiring this form of power themselves, and finally to prevent the possibility of nuclear attack by a non-state agent, a terrifying asymmetrical threat. Anti-nuclear imperialism begins with the use of strong, moralizing disarmament rhetoric by leaders of the imperial power. Based on this, the imperial state then must take steps to create at least the perception among as many states as possible that it is restraining its own nuclear arsenal and working with the other great powers to dismantle weapons systems, all ostensibly moving toward disarmament. This in turn is meant to facilitate and legitimate any and all means to prevent most other states from acquiring nuclear weapons or even the capability to produce nuclear weapons. By de-emphasizing nuclear arms, these strategists hope to actually boost the overall military superiority of the US, far above and beyond its current powers, which ironically have become constrained in some ways by its continuing possession of these weapons in the post-Cold War era. The end goal is to maintain a balance of power under US hegemony and to tighten the ring of control around nuclear technologies and fissile materials.

#### Arms reductions such as the plan mask the contradiction in US nuclear weapons policy which then makes preemptive violence acceptable - error replication becomes inevitable

Darwin **BondGraham, 2009**. “The “Nuclear Threat,” and Other Mystical Approaches of Arms Control”

http://www.uweb.ucsb.edu/~darwin/NuclearThreat&OtherMystFINAL10k.pdf Accessed November 8, 2009

The conceptual splitting of horizontal and vertical proliferation, as though they are distinct happenings in the world system, is synonymous with a contradiction that severely affects the geopolitical goals of the United States, and to a lesser extent the other major nuclear powers. The contradiction is simple: the United States, because of its imperial goals, cannot accept the possibility of certain states acquiring nuclear weapons. A nuclear Iran would undermine the power projection capabilities of the US and its allies in the Persian Gulf, the single most important reservoir of hydrocarbon energy.xlvi It would be a serious blow to the US imperial project in that region. This single reason may very well be necessary and sufficient to explain the US nuclear posture.xlvii The same can be said with the prospect of a nuclearized North Korea and the impediments this would create for further consolidation of Asia within US and Japanese spheres of control. To prevent the emergence of these and other nascent deterrent conditions against superpower's extension, the US has threatened (and in some cases used) preemptive war, economic sanctions, covert action, diplomacy, “democracy promotion,” and more.xlviii So far these have proven insufficient. One of the key stumbling blocks for the US is that it cannot square this nonproliferation goal with its continuing reliance on its own nuclear arsenal which it needs to project imperial power (the nuclear threat statement). Thus, the US must, to some extent, actually carry out limited arms reductions initiatives and constrain its immense nuclear weapons complex from pursuing obviously provocative programs. It must deemphasize its own nuclear powers, while at the same time maintaining its nuclear weapons arsenal, perhaps even enhancing some of its capabilities, all the while disarming other nations of nuclear weapons in the name of nonproliferation and against the singular nuclear threat. The United States is now almost two decades into this crisis and it is not clear if a solution can be smoothly formulated. The pitfalls are many. Most arms control scholars are hard at work assisting in the ideological formulation of a nonproliferation regime that will neutralize this contradiction and find a way forward for the US neo-imperial project. As the Arms Control Association's executive director puts it; "In the age of terrorism, nuclear weapons are more of a liability than an asset.”xlix Figuring out the balance where nuclear weapons remain a net asset, while preventing horizontal proliferation is the goal.

#### The nuclear proposals of the foreign policy elite are like those of the Aff—a process utopia where we see disarm as a utopian goal or “top of the mountain” combined with so-called “pragmatic” steps towards that goal

BondGraham 2009

(Darwin, Ph.D. Candidate at UC Santa Barbara, "Anti-Nuclear Imperialism: The New Face of Nuclear Armed Empire is Quickly Taking Shape," [http://darwinbondgraham. blogspot.com/](http://darwinbondgraham.blogspot.com/)2009/09/anti-nuclear- imperialism-new-face-of.html)

Sam Nunn has laid these plans out clearly in various speeches, and through the George W. Bush years his NTI organization incubated the ideology and practice of anti-nuclear imperialism. The election of Obama portends the adoption of anti-nuclear imperialism as the official state policy. Nuclear disarmament, which Nunn identifies as a “distant mountaintop,” is the rhetorical goal that must be committed toby US leaders if intrusive and ultimately belligerent actions are to be justified under the pre-text of thwarting “nuclear threats” to “civilization.” The concrete and immediate steps that receive the bulk of attention and resources under this strategy will involve aggressive actions to prevent any game changing developments such as the acquisition of nuclear weapons by Iran which could challenge US and European control over the indispensable hydrocarbon reserves of the Persian Gulf region, to say nothing of the ongoing status quo in Palestine where a nuclear armed Israel, backed by the US, and with the complicity of most Arab monarchies, ignores the majority of world opinion with indifference.¶William Perry, in his Chairman's Preface to the freshly printed [Congressional Commission on America's Strategic Posture](http://www.usip.org/programs/initiatives/congressional-commission-the-strategic-posture-the-united-states) writes that;¶“...the ultimate goal of global nuclear elimination would require a fundamental change in geopolitics. Indeed, if the vision of nuclear elimination isthough of as the “top of the mountain,” it is clear that it cannot be seen at this time. But I believe that we should be heading up the mountain to a “base camp” that would be safer than where we are today. I also believe that getting the international political support necessary to move to this base cap will be greatly facilitated if the United States is seen as working for the ultimate elimination of nuclear weapons [....] The base camp concept serves as an organizing principle for my own thinking about our strategic posture, since it allows theUnited States to both lead and hedge.”¶If history is any guide, the “base camp” is the actual goal to be achieved by pursuing an anti-nuclear imperialist strategy, while the “distant mountaintop” might forever remain a perpetually receding dream. Steeling themselves for the hike to this base camp, Shultz, Perry, Kissinger, and Nunn gathered with President Obama at the White House on May 19 where Obama aptly vouched their trusted responsibility saying [“I don't think anybody would accuse these four gentlemen of being dreamers.”](http://voices.washingtonpost.com/44/2009/05/19/senior_foreign_policy_figures.html) Obama praised them as “hard-headed, tough defenders of American interests and American security.” and credited them with helping to “inspire the policies” of his administration with respect to nuclear weapons. The men adjourned following an affirmation of elite unity from Schultz on the White House lawn. Schultz told the press, “we think the effort is of such and nature and such an importance that it kind of rises above what ought to be partisan in nature. There's plenty to argue about and plenty to study and work on, but let's do it on the merits of the subject, on a non-partisan basis.” After two decades of stumbling against a seemingly insurmountable contradiction in American empire, Shultz, Perry, Kissinger, Nunn, Obama, and many more seem to believe that they are forging a new majority around a new nuclear strategy. That they have been able to neutralize and even enjoin the support of many antinuclear organizations in this clever imperial strategy is all more reason they might succeed.

### Solvency

**Constraints make Presidents more assertive**

**Barilleaux and Kelley 2010** [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. 225-226, 2010// wyo-sc]

**Congress**, following the logic of Daniel Patrick Moynihan's "Iron Law of Emulation" (which holds that what one branch of government does will be emulated by another), **responded to the** **enlargement of the presidency** and its powers **by undertaking** a number of actions in the 1970s to enable itself to be a more active and assertive player in the making of national policy.11 It gave itself a large professional staff, reformed its budget process, developed **tools** **for** more **oversight** of the executive, passed legislation to gain more information about the conduct of foreign policy and influence over it (the Case-Zablocki Act, the War Powers Resolution, and other laws), **and** at times **acted aggressively to challenge** **presidential policy** (in the mid-1970s and again in the late 1990s and after the 2006 midterm elections). **In less than forty years**, **Congress** has **moved toward impeaching** one president (**Nixon**, whom it ultimately drove from office), **legislated an end to the Vietnam War**, prohibited American intervention in the civil war in Angola (1975), **impeached** another president (**Clinton**), **shut down the government** in a duel with the White House **over the** federal **budget** (1995), **investigated the Iran-Contra affair** and other incidents, **passed a bill to require a timetable** **for withdrawing U.S. forces from Iraq** (2007), tried several times to bring the president to heel on the use of force, and balked when the Bush administration tried to have its first financial industry bailout plan passed summarily in 2008. **These** and other **incidents** have made the legislature a full player in the separated system of American government, but they **have also stimulated presidents to seek greater autonomy from legislative constraints. The unilateral presidency is the result of this stimulation**. Barack **Obama** **follows** in this line of presidents **seeking to accomplish something in office and feeling the urgency of their task.** In his victory speech on election night in 2008, he told the assembled crowd that "this is our time—to put our people back to work and open doors of opportunity for our kids; to restore prosperity and promote the cause of peace; to reclaim the American Dream and reaffirm that fundamental truth—that out of many, we are one; that while we breathe, we hope, and where we are met with cynicism, and doubt, and those who tell us that we can't, we will respond with that timeless creed that sums up the spirit of a people: Yes We Can."12 There is no reason to think that he or any subsequent president will be passive in the conduct of office. **Congressional responses to executive unilateralism will be too late** *and too strong* **and****will** *in turn* **stimulate a new round of executive assertiveness***.* **In the** 1960s and 19**70s Congress bridled at** the **growth of presidential power** but acquiesced to it until legislators finally decided that they had seen enough. Beginning in the mid-1970s, Congress reacted with a spate of president-curbing legislation (the War Powers Resolution, the CaseZablocki Act, the Budget and Impoundment Act), the near-impeachment of Richard Nixon, a legislated end to the Vietnam War, an investigation of the CIA, and other actions to restrict presidential autonomy. **The consequence**, to some extent described in this volume, **was the rise of executive unilateralism as a way to circumvent Congress.**

**Their restriction is a smokescreen and will not be enforced**

**Nzelibe 7**—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007]

These assumptions are all questionable. As a preliminary matter, **there is no**t much **causal ev**idence **that supports the institutional constraints logic**. As various commentators have noted, **Congress's bark with respect to war powers is** often **much greater than its bite**. Significantly, skeptics like Barbara Hinckley suggest that **any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions**, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" **to create the illusion of congressional participation** in foreign policy.' 0 Indeed, **even those** commentators **who support a more aggressive role for Congress** in initiating conflicts **acknowledge this problem**," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, **even if Congress were equipped with better institutional tools to constrain and monitor the President**'s military initiatives**, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued** elsewhere: "[**N]either specificity in enabling legislation** ... **nor participation by interested parties is necessarily optimal or self-fulfilling**; therefore, **they do not ensure agent compliance**. Ultimately, **there must be some enforcement feature**-a credible commitment to punish ....Thus, **no matter how much well-intentioned** **and specific legislation Congress passes** to increase congressional oversight of the President's military initiatives, **it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in** an international **crisis**.

**Various congressional observers** have **highlight**ed **electoral disincentives that** members of **Congress** might **face in constraining the President's military initiatives**. 14 **Others have pointed to** more institutional obstacles to congressional assertiveness in foreign relations, such as **collective action problems**. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that **members of Congress are often obsessed with the prospect of reelection**, 16 then **such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in** an international **crisis**. 17 **Even if members of Congress could marshal the resources to challenge the President**'s agenda on national issues, **the payoff in electoral terms might be trivial or non-existent**. Indeed, **in the case of the President's military initiatives where the median voter is likely to defer to the executive** branch's judgment, **the electoral payoff for members of Congress of constraining such initiatives might actually be negative**. In other words, **regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal**. Thus, **unless a grand reformer is able** **to** tweak the system and **make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears**. Pg. 912-913