#### The United States Congress should establish a National Security Court with sole jurisdiction over cases pursuant to Section 1021 of the National Defense Authorization Act for Fiscal Year 2012.

### Contention 1 is Inherency

#### D.C. courts are shaping detention policy now but lack of Supreme Court action means detention is here to stay.

Horowitz, J.D. Candidate at Fordham University, ‘13

[Colby, “CREATING A MORE MEANINGFUL ¶ DETENTION STATUTE: LESSONS LEARNED ¶ FROM HEDGES V. OBAMA”, Fordham Law Review, Vol. 81, 2013, RSR]

#### The NDAA of 2012 codifies the right of the president to indefinitely detain – expands on the AUMF.

Greenwald, Columnist for the Guardian, ‘11

[Glenn, “Three myths about the detention bill”, Salon, 12-16-11,

<http://www.salon.com/2011/12/16/three_myths_about_the_detention_bill/>, RSR]

### Terrorism

#### Contention 2 is terrorism

#### Indefinite detention leads to terrorism – multiple warrants

#### First, motivation – comparative studies prove that indefinite detention increases the motivation for terrorism and the likelihood of an attack.

Roberts, Associate Professor of Philosophy at East Carolina University, ‘11

[Rodney, “Utilitarianism and the Morality of Indefinite Detention”, Criminal Justice Ethics, Vol. 30, No. 1, RSR]

#### Second, distrust – indefinite detention generates resentment that kills effective community cooperation within counter terrorism efforts.

Hathaway, et al, ‘13

[Oona (Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School); Samuel Adelsberg (J.D. candidate at Yale Law School); Spencer Amdur (J.D. candidate at Yale Law School); Freya Pitts (J.D. candidate at Yale Law School); Philip Levitz (J.D. from Yale Law School); and Sirine Shebaya (J.D. from Yale Law School), “The Power To Detain: Detention of Terrorism Suspects After 9/11”, The Yale Journal of International Law, Vol. 38, 2013, RSR]

#### Third, signaling – use of indefinite detention hinders allied cooperation over counterterrorism – security experts overwhelmingly vote aff.

Pearlstein, Visiting Research Scholar and Lecturer in Public and International Affairs, Woodrow

Wilson School of Public and International Affairs, Princeton University, ‘9

[Deborah, “WE'RE ALL EXPERTS NOW:¶ A SECURITY CASE AGAINST SECURITY DETENTION”, Case Western Journal of International Law, Vol. 40, 2009, RSR]

#### Intelligence cooperation is crucial to quell the threat of terrorism.

Cordesman, Arleigh A. Burke Chair in Strategy at CSIS, ‘10

[Anthony, “The True Lessons of Yemen and Detroit: How the US Must Expand and Redefine International Cooperation in Fighting Terrorism”, CSIS, 2010, RSR]

#### The risk of a nuclear terrorist attack is high – top UN officials concede.

Sturdee, AFP, ‘13

[Simon, “UN atomic agency sounds warning on 'nuclear terrorism'”, Fox News, 7-1-13,

<http://www.foxnews.com/world/2013/07/01/un-atomic-agency-sounds-warning-on-nuclear-terrorism/>, RSR]

#### An attack breaks the nuclear taboo – leads to nuclear war.

Bin ‘9, director of Arms Control Program at the Institute of International Studies, Tsinghua University ¶ [5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin]

#### Independently, an attack on US soil causes extinction.

Ayson, Professor of Strategic Studies at Oxford, 10

[Robert, Director of Strategic Studies: New Zealand, Senior Research Associate with Oxford’s Centre for International Studies. “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects. Studies in Conflict and Terrorism, Volume 33, Issue 7, July 2010, pages 571-593]

### Leadership

#### Contention 3 is Leadership

#### First, indefinite detention hurts U.S. diplomatic power in championing human rights – empirics prove.

Chaffee, Advocacy Counsel at Human Rights First, ‘9

[Devon, “THE COST OF INDEFINITELY KICKING THE CAN: WHY CONTINUED¶ "PROLONGED" DETENTION IS NO SOLUTION TO GUANTANAMO”, Case Western Journal of International Law, Vol. 42, 2009, RSR]

#### **No alt causes – detention is the biggest internal link to credibility loss.**

Welsh, J.D. from the University of Utah, ‘11

[David, currently a doctoral student at the University of Arizona, “Procedural Justice Post-9/11: The Effects of¶ Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy”, 9 U.N.H. L. Rev. 261, March 2011, Lexis, RSR]

#### U.S. leadership is essential to promoting global protection of human rights.

Roth, Director of Human Rights Watch, ‘9

[Kenneth, Human Rights Watch World Report 2009, Introduction by Kenneth Roth,

<http://www.hrw.org/en/world-report-2009/taking-back-initiative-human-rights-spoilers>]

#### Human rights protection prevents extinction

Annas et al 2 Edward R. Utley Prof. and Chair Health Law @ Boston U. School of Public Health and Prof. SocioMedical Sciences and Community Science @ Boston U. School of Medicine and Prof. Law @ Boston U. School of Law [George, Lori Andrews, (Distinguished Prof. Law @ Chicago-Kent College of Law and Dir. Institute for Science, Law, and Technology @ Illinois Institute Tech), and Rosario M. Isasa, (Health Law and Biotethics Fellow @ Health Law Dept. of Boston U. School of Public Health), American Journal of Law & Medicine, “THE GENETICS REVOLUTION: CONFLICTS, CHALLENGES AND CONUNDRA: ARTICLE: Protecting the Endangered Human: Toward an International Treaty Prohibiting Cloning and Inheritable Alterations”, 28 Am. J. L. and Med. 151, L/N]

#### Human right deficits fuels authoritarian crackdowns in Russia---destroys US-Russia engagement.

Mendelson, director, Human Rights and Security Initiative, CSIS, ‘9

[Sarah, "U.S.-Russian Relations and the Democracy and Rule of Law Deficit" tcf.org/assets/downloads/tcf-russiarelations.pdf, DOA: 7-23-13, y2k]

#### Now is key - bolstering democratic reform in Russia prevents violent revolution.

Freeland and Gutterman, ‘12

[Chrystia and Steve, Writers for Reuters, January 17, 2012, “Russia faces violent revolution if it doesn’t embrace democracy, billionaire Putin challenger declares”, <http://news.nationalpost.com/2012/01/17/russia-faces-violent-revolution-if-it-doesnt-embrace-democracy-billionaire-putin-challenger-declares/>]

#### That causes miscalculation and nuclear war

Pry, Former US Intelligence Operative, ‘99

[Peter Vincent, War Scare: U.S.-Russia on the Nuclear Brink, netlibrary]

#### US-Russia relations key to solve extinction.

Allison, Director of the Belfer Center for Science and International Affairs at Harvard’s Kennedy School of Government, ‘11

[Graham, 10-30-11, “10 reasons why Russia still matters,” <http://dyn.politico.com/printstory.cfm?uuid=161EF282-72F9-4D48-8B9C-C5B3396CA0E6>]

### Solvency

#### Contention 4 is solvency

#### The national security court solves – preserves national security while providing the appropriate international signal.

Sulmasy, Commander and associate professor of law at the U.S. Coast Guard Academy, ‘6

[Glenn, “THE LEGAL LANDSCAPE AFTER HAMDAN:¶ THE CREATION OF HOMELAND SECURITY¶ COURTS”, NEW ENG. J.INT'L & COMP.L., Vol. 13, RSR]

#### Congressional action on detention is the only way to make the executive accountable – empirically proven, the court will back them up and preserves executive flexibility.

Harvard Law Review, ‘12

[“RECENT LEGISLATION”, Vol. 125, 2012, RSR]