## Inherency

#### Supreme Court silence since Boumediene has left lower and appeals court national security fundamentalism unchallenged

Vaughns and Williams, Profs Law at Maryland, 13

Katherine L. Vaughns, Professor of Law at the University of Maryland Francis King Carey School of Law, Heather L. Williams, Professor of Law at the University of Maryland Francis King Carey School of Law, “Of Civil Wrongs and Rights: KIyemba v. Obama and te Meaning of Freedom, Separation of Powers, and the Rule of Law Ten Years After 9/11,” Asian American Law Journal, 20 Asian American Law Journal (2013), http://digitalcommons.law.umaryland.edu/fac\_pubs/1246/, [DLP SPR]

Thus, in the years immediately following 9/11, the Supreme

AND

, Cass Sunstein termed this phenomenon "National Security Fundamentalism."

**This has left virtually all of Guantanamo’s detainees in indefinite detention**

**CSM, 12**

Christian Science Monitor, Warren Richey, Staff Writer, “Supreme Court Deals Blow to Guantanamo Prisoners Challenging their Detention,” <http://www.csmonitor.com/USA/Justice/2012/0611/Supreme-Court-deals-blow-to-Guantanamo-prisoners-challenging-their-detention>, [DLP SPR]

**There are currently 169 detainees at Guantánamo. Six**

**AND**

to their home country for release or continued detention there.

**There are also over 3200 detainees in Afghanistan, unknown and without access to any form of review**

**Eppinger, Prof. St. Louis Law School, Winter 2013**

Monica Eppinger, Assistant Professor, Saint Louis University School of Law and Department of Sociology and Anthropology; J.D., Yale Law School; Ph.D. Anthropology, University of California Berkeley; “Reality Check: Detention in the War on Terror,” Catholic University Law Review, 62 Cath. U.L. Rev. 325, Winter 2013, [DLP SPR]

**The detainee counts of Guantanamo do not include the 3,200-plus detainees that have**

**AND**

, **U.S. authorities did not know who they held**. n43 One Bush administration official recalls,

#### Literally everyone outside the US can be indefinitely detained for interrogation

**Eppinger, Prof. St. Louis Law School, Winter 2013**

Monica Eppinger, Assistant Professor, Saint Louis University School of Law and Department of Sociology and Anthropology; J.D., Yale Law School; Ph.D. Anthropology, University of California Berkeley; “Reality Check: Detention in the War on Terror,” Catholic University Law Review, 62 Cath. U.L. Rev. 325, Winter 2013, [DLP SPR]

Extreme measures involving high-value targets, although

AND

the greater the number of detainees, the more sources of mosaic bits, and the more full the picture composed. n182

## Advantage - Detention

#### The discursive formation of 9/11 has constrained judicial action and blinded the judiciary to problematic and unrecognized assumptions; judicial excavation of discourse is necessary

Shaub, JD from Northwestern, 11

Johnathan David Shaub, JD Northwestern University School of Law, MA in English from Belmont University, “A Foucauldian Call for the Archaeological Excavation of Discourse in the Post-Boumediene Habeas Litigaton,” Northwestern University Law Review, 105 NW. U.L. Rev. 869, Lexis, [DLP SPR]

"On September 11, 2001 ... "

When a sentence or a story begins

AND

of this proposition and the necessity for the judicial excavation of discourse.

#### Spaces of indefinite detention are not ones of legal suspension, but legal representation and classification – the war on terror is performatively enacted through the reduction of the detained from legal subject to object, enabling their destruction and denying their humanity

Gregory, Prof Geography at UBC, 6

Derek Gregory, Professor of Geography at the University of British Columbia, Peter Wall Distinguished Professor, elected to the Royal Society of Canada and the British Academy, awarded the Founder's Medal of the Royal Geographical Society, “The Black Flag: Guantanamo Bay and the Space of Exception,” Geogr. Ann., 88 B (4): 405-427, Geografiska Annaler. Series B, Human Geography © 2006 Swedish Society for Anthropology and Geography, [DLP SPR]

Guantánamo and the colonial past

Colonialism frequently operates under the imprima- tur of law, both in the past   
AND

Voltaire put it: ‘Those who can make you believe absurdities can make you commit atrocities’.58

**These processes negates the value to life and justifies extermination.**

Michael **Dillon**, Politics and IR, Lancaster, **99** *Political Theory* 27(2):

Quite the reverse. **The subject** was never a firm foundation for justice, much less a hospitable

AND

**invaluable may** then **lose its purchase on life**. Herewith, then, the necessity of championing the invaluable itself.

#### The US war on terror and illegal detention policies erase lines demarcating spaces of exception – the dehumanized object of US detention policies and torture becomes norm legitimating US colonial violence and global sovereignty

Gregory, Prof Geography at UBC, 6  
Derek Gregory, Professor of Geography at the University of British Columbia, Peter Wall Distinguished Professor, elected to the Royal Society of Canada and the British Academy, awarded the Founder's Medal of the Royal Geographical Society, “The Black Flag: Guantanamo Bay and the Space of Exception,” Geogr. Ann., 88 B (4): 405-427, Geografiska Annaler. Series B, Human Geography © 2006 Swedish Society for Anthropology and Geography, [DLP SPR]

Euro-American exceptionalism

In their attempt to unravel the connections between what they call ‘our brutal global

AND

, it is now regulating, exploiting the conjunctions between violence and the law.29

#### This form of Biopolitics creates the conditions for annihilation and extinction

Foucault 78 (Michel, Professor of Philosophy at the College de France, The History Of Sexuality: An Introduction, Volume 1, 136-137) [DLP D8]  
Since the classical age the West has undergone a very profound transformation of

AND

, the species, the race, and the large-scale phenomena of population.

**Indefinite detention is worse than death**

**Goering, Executive Director at the Center for Victims of Torture, 7/27**

Curt, former COO at Amnesty International USA for nearly 30 years, former Interim Head of the Gaza office for the UN High Commissioner for Human Rights, 2013, “End Indefinite Detention Now,” The Hill, <http://thehill.com/blogs/congress-blog/homeland-security/313761-end-indefinite-detention-now>, [DLP SPR]

We oppose indefinite detention on behalf of torture survivors, because

AND

**by individuals who have no other way of making their demands known.**

## Plan

#### The United States Supreme Court should rule that all people indefinitely detained under executive war powers have full habeas corpus access.

## Solvency

#### The AFF torques sovereignty against itself, deploying precedents at hand while demanding decisions grounded in universal principles

**Michaelsen**, English Prof, MSU, **and Shershow**, English Prof, UC-Davis, **'4**

Scott Michaelsen & Scott Cutler Shershow, 1-11-04, "The Guantánamo "Black Hole": The Law of War and the Sovereign Exception," *Middle East Report*, <http://www.merip.org/mero/mero011104> [ACG PRE]  
Sovereignty Against Itself  
  
The act of sovereignty that captures the Guantánamo detainees only to

AND

, as Walt Kelly once observed, "we have met the enemy and he is us."

#### Habeas ensures review and interrogation of conditions

Garrett, Prof Law UV, 12

Brandon L. Garrett, Roy L. and Rosamund Woodruff Morgan Professor of Law, University of Virginia School of Law, “Habeas Corpus and Due Process,” Cornell Law Review, 98 Cornell L. Rev. 47, November, 2012, Lexis, [DLP SPR]

In this Article, I argue that Boumediene can and should provide a theory of the

AND

criminal conviction, habeas corpus may offer much less than due process. 48

**Habeas is necessary to combat executive avoidance**

**Azmy, Prof Law Seton Hall, 9**

Baher Azmy, Professor of Law at Seton Hall Law School, March 11, 2009, Iowa Law Review, Vol. 95, 2010, “Executive Detention, *Boumediene,* and the New Common Law of Habeas, Seton Hall Public Research Paper no. 135778, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1357788>, 447-538 [DLP SPR]

Indeed, though the question was not presented to the Court,

AND

these questions in a doctrinally distinct manner.

**Judicial archaeological excavation is necessary to demystify post-9/11 discourse and construct definitions to govern society**

**Shaub, JD from Northwestern, 11**

Johnathan David Shaub, JD Northwestern University School of Law, MA in English from Belmont University, “A Foucauldian Call for the Archaeological Excavation of Discourse in the Post-Boumediene Habeas Litigaton,” Northwestern University Law Review, 105 NW. U.L. Rev. 869, Lexis, [DLP SPR]

Conclusion

This Note contends that judges in the Guantanamo habeas cases, and in future cases

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the province and duty of the judi-cial department." n277

**Separating the legal and ethical aspects of due process in public deliberation enables us to challenge the fixivity of national identity and construct a new identity centered on who we want to be**

**Robertson, Prof. Case Western Law, 12**

Cassandra Burke Robertson, Associate Professor at Case Western Reserve University School of Law, Alabama Law Review 2012, 64 Ala. L. Rev. 225, “Due Process in the American Identity,” Lexis, [DLP SPR]

Due process is a fundamental American value, and it is a value that deserves a role in the national debate

AND

we are as a nation and who we want to be.

#### Guantanamo is a lens through which courts mediate terrorism discourse – it legitmates the whole scope of executive action and post-9/11 exceptionalism, bolstering racism against Muslims

Gathii, Prof Law Albany Law School, 3

James Thuo Gathii, Assistant Professor at Albany Law School, “ARTICLE: TORTURE, EXTRATERRITORIALITY, TERRORISM, AND INTERNATIONAL LAW,” AlbanyLaw Review, 67 Alb. L. Rev. 335, Lexis [DLP SPR]

Federal courts have overwhelmingly declined to entertain suits alleging torture and other conditions of confinement in Guantanamo Bay

AND

by the discriminatory treatment of Muslims of Arabic and Persian descent, especially after September 11th, 2001