### Heg

Not inenv

**Pacala 4**, S Pacala, Department of Ecology and Evolutionary Biology, Princeton, R. Socolow, Department of Mechanical and Aerospace Engineering, Princeton [“Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies,” 13 AUGUST, VOL 305 SCIENCE] HURWITZ

Humanity already ….. already know how to do.

### Judicial globalism

### Solvency

#### No circumvention – president would want to use the courts

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

The primary triggering …… transfer the case to NSC jurisdiction.

### 2AC T

#### We meet – the rez doesn’t require a restriction on indefinite detention – instead in the “area” of indefinite detention

#### “Area” means a field of study

Dictionary.Com – No specific Date Included

Updated in 2013 but no specific date given, http://dictionary.reference.com/browse/area

ar•e•a [air-ee-uh] noun 1. any particular extent of space or surface; part: the dark areas in the painting; the dusty area of the room. 2. a geographical region; tract: the Chicago area; the unsettled areas along the frontier. 3. any section reserved for a specific function: the business area of a town; the dining area of a house. 4. extent, range, or scope: inquiries that embrace the whole area of science. 5. field …… reflect borrowed notions.

#### Restriction means a limit or qualification, and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, 15, 161 P.3d 583, 587 (App. 2007) ("…….. the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### “In” means within a set of limits

Dictionary.Com – No specific Date Included

Updated in 2013 but no specific date given, http://dictionary.reference.com/browse/in

In [in] preposition, adverb, adjective, noun, verb, inned, in·…….. 7. (used to indicate transition from one state to another): to break in half. 8. (used to indicate object or purpose): speaking in honor of the event.

#### Substantial means a large amount

Dictionary.com 12

sub·stan·tial   [suhb-stan-shuhl] Show IPA adjective 1. of ample or considerable amount, quantity, size, etc.: a substantial sum of money.

#### No definition of substantial—their interp is arbitrary

David Jakubowitz 4 \* J.D. Candidate, St. John's University School of Law, NOTE: "HELP, I'VE FALLEN AND CAN'T GET UP!" NEW YORK'S APPLICATION OF THE SUBSTANTIAL FACTOR TEST, Spring, 2004 18 St. John's J.L. Comm. 593 lexis

As a consequence, …….. precisely describe the process of how causation is analyzed. n135

#### And we meet – their author

**Schiedler-Brown ‘12**

Jean, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

The term "……., obstruct, impede, hinder, stay, destroy

### 2AC Executive CP

Credibility adv is a disad – CP is perceived as militarism

Schwarz 7 senior counsel, and Huq, associate counsel at the Brennan Center for Justice at NYU School of Law, (Frederick A.O., Jr., partner at Cravath, Swaine & Moore, chief counsel to the Church Committee, and Aziz Z, former clerk for the U.S. Supreme Court, Unchecked and Unbalanced: Presidential Power in a Time of Terror, p. 201)

The Administration ……. world's oldest democracy.5

#### PERM do the plan and have the OLC still write the decision

#### Doesn’t solve legitimacy-

#### keeps the status quo international confusion in detention practices

Steven Clark 12, former Staff Sergeant in the US Army, BA in Poli Sci and Government from Campbell University, “Targeted Killings: Justified Acts of War or Too Much Power for One Government?” Global Security Studies, Summer 2012, Volume 3, Issue 3, http://globalsecuritystudies.com/Clark%20Targeted.pdf

Although Eric ……. 79 A court like this would also be able to act quickly in situations requiring immediate action

#### Triggers litigation, OLC can’t speak to statutes, and White House Counsel Circumvents

Bruce **Ackerman 11**, Sterling Professor of Law and Political Science at Yale University, “LOST INSIDE THE BELTWAY: A REPLY TO PROFESSOR MORRISON,” Harvard Law Review Forum Vol 124:13, http://www.harvardlawreview.org/media/pdf/vol124forum\_ackerman.pdf

To see why, consider that ….. are witnessing a dreadful act of legal usurpation — even if that’s precisely what is happening.72

#### OLC Links to Politics

Eric Posner 11, the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. If OLC gives the president the …….o I may stiffen Congress’ resistance. However, the president will use OLC only because he believes that OLC will strengthen his hand on net.

#### Obama tried to the do the CP and Congress rolled it back

WSJ 10, Congress Bars Gitmo Transfers, online.wsj.com/article/SB10001424052748704774604576036520690885858.html

Congress on ……. a symbol" and a recruiting tool for "al Qaeda and jihadists." "That's what closing Guantanamo is about," he said, adding: "I think we can do just as good of a job housing [detainees] somewhere else.

#### Perm do the counterplan - there’s no severance – just another way to implement the plan

a.) Resolved means “to express by a formal vote” that’s Webster’s, 98 (dictionary.com)

Resolved:5. To express, as an opinion or determination, by resolution and vote; to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

b.) Should “is not mandatory” or immediate – that’s Words and Phrases 02 (“Words and Phrases: Permanent Edition” Vol. 39 Set to Signed. Pub. By Thomson West. P. 370)Cal.App. 5 Dist. 1976. Term “should,” as used in statutory provision that motion to suppress search warrant should first be heard by magistrate who issued warrant, is used in regular, persuasive sense, as recommendation, and is thus not mandatory but permissive. West’s Ann.Pen Code, § 1538.5(b).---Cuevas v. Superior Court, 130 Cal. Rptr. 238, 58 Cal.App.3d 406 ----Searches 191.

#### Future presidents prevent solvency

Harvard Law Review 12, "Developments in the Law: Presidential Authority," Vol. 125:2057, www.harvardlawreview.org/media/pdf/vol125\_devo.pdf

The recent history of signing ……. the allegedly abusive Bush-era practices. 147 Only time, and perhaps public opinion, will tell.

#### Links to politics through bypassing debate – reporting requirements are statutes

Billy Hallowell 13, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

“In an era of polarized parties and …… incumbent president’s opponents.”

#### The counterplans Internal processes destroys legitimacy

Kent Roach 13, Professor of Law and Prichard-Wilson Chair of Law and Public Policy at the University of Toronto, editor-in-chief of the Criminal Law Quarterly, “Managing secrecy and its migration in a post-9/11 world,” Ch 8 in Secrecy, National Security And The Vindication Of Constitutional Law, ed. David Cole, Federico Fabbrini, and Arianna Vedaschi, google books

Secret evidence is used by …… dealings with the Muslim world.

#### Congress key to democratic legitimacy and preventing future vacillation in executive policy

Benjamin Wittes 9, senior fellow and research director in public law at the Brookings Institution, Stuart Taylor, an American journalist, graduated from Princeton University and Harvard Law School, “Legislating the War on Terror: An Agenda for Reform”, November 3, Book, p. 329-330

While President Obama’s policy makes a clean break with the Bush record, it actually does not effectively answer the question of how best to handle this group. Indeed, the ……without giving up what the United States will need in the future.

### 2AC Prez Flex DA

#### We turn – rojansky and Collins indicate Russia engagement is key to solve rogue states

#### No link---NSC preserves enough executive flexibility

Andrew McCarthy 9, Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies. From 1985 through 2003, he was a federal prosecutor at the U.S. Attorney’s Office for the Southern District of New York, and was the lead prosecutor in the seditious conspiracy trial against Sheikh Omar Abdel Rahman and eleven others, described subsequently. AND Alykhan Velshi, a staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force, 8/20/09, “Outsourcing American Law,” AEI Working Paper, http://www.aei.org/files/2009/08/20/20090820-Chapter6.pdf

What is an asset in …. to ordinary criminal proceedings.

#### Our internal link outweighs

Schwarz 7 senior counsel, and Huq, associate counsel at the Brennan Center for Justice at NYU School of Law, (Frederick A.O., Jr., partner at Cravath, Swaine & Moore, chief counsel to the Church Committee, and Aziz Z, former clerk for the U.S. Supreme Court, Unchecked and Unbalanced: Presidential Power in a Time of Terror, p. 201)

The Administration …… oldest democracy.5

#### Oversight doesn’t determine flexibility---tech, elusive enemies and personnel outweigh

Stephen Holmes 9, Walter E. Meyer Professor of Law, New York University School of Law, “The Brennan Center Jorde Symposium on Constitutional Law: In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror”, April, California Law Review, 97 Calif. L. Rev. 301, Lexis

Even if the …… comforting inference is the fruit of wishful thinking is the least that might be said.

#### No impact to prez powers

**Healy 11**

Gene Healy is a vice president at the Cato Institute and the author of The Cult of the Presidency, The CATO Institute, June 2011, "Book Review: Hail to the Tyrant", http://www.cato.org/publications/commentary/book-review-hail-tyrant

Legal checks “have been relaxed ……, “polls do not reveal the opinions of dead Iraqis.”

### Drones DA

#### Drones are inevitable – other countries too.

#### Congress has already passed detention restrictions---pounds DA

Janet Cooper Alexander 13, professor of law at Stanford University, March 21st, 2013, "The Law-Free Zone and Back Again," Illinois Law Review, [illinoislawreview.org/wp-content/ilr-content/articles/2013/2/Alexander.pdf](http://illinoislawreview.org/wp-content/ilr-content/articles/2013/2/Alexander.pdf)

Congress also ….. habeas rights, the D.C. Circuit has since rendered those protections toothless.

#### Non-unique---drone shift now because detention is already too difficult

David Ignatius 10, Washington Post, "Our default is killing terrorists by drone attack. Do you care?", December 2, www.washingtonpost.com/wp-dyn/content/article/2010/12/01/AR2010120104458.html

Every war brings its own …… so clean and antiseptic, but the moral issues are the same."

#### No risk of drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, ……despite their arrival in large numbers.

#### No drone shift link---numbers don’t line up

Robert Chesney 11, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/

Yesterday Jack linked to this piece by Noah ……. complex and difficult to measure.

#### SCS won’t escalate

Scobell 1**,** phd, strategic studies institute,[ Dr, Andrew, “The Rise of China: Security Implications”, <http://www.sanford.duke.edu/centers/tiss/pubs/documents/TheRiseofChina.pdf>]

The South …….. States in a war.

### 2AC Debt Ceiling DA (Final)

#### Case o/w – heg collapse turns conflict from an economic collapse – we contain the magnitude of their impact

#### And case turns – terrorists will target oil fields destroying our economy

#### All their link args are non-unique

NPR 9/21, “Have Obama's Troubles Weakened Him For Fall's Fiscal Fights?” http://www.ideastream.org/news/npr/224494760

President Obama has had a ….. recent troubles, says former GOP leadership aide Ron Bonjean.

#### Won’t pass- neither side will cave

**The Hill, 10-8** (Who’ll blink first, Obama or Boehner?, <http://thehill.com/homenews/house/327079-wholl-blink-obama-or-boehner>, F.A.B.)

President Obama and ….. someone who isn’t empowered to negotiate.”

#### Non-u

Janet Cooper Alexander 13, professor of law at Stanford University, March 21st, 2013, "The Law-Free Zone and Back Again," Illinois Law Review, [illinoislawreview.org/wp-content/ilr-content/articles/2013/2/Alexander.pdf](http://illinoislawreview.org/wp-content/ilr-content/articles/2013/2/Alexander.pdf)

Congress also …... And although the Supreme Court had blocked the Bush administration’s law-free zone strategy by upholding detainees’ habeas rights, the D.C. Circuit has since rendered those protections toothless.

**Congress solves the link**

Douglas **Kriner 10**, Assistant Profess of Political Science at Boston University, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike ….. constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### PC low and fails for fiscal fights

Greg Sargent 9-12, September 12th, 2013, "The Morning Plum: Senate conservatives stick the knife in House GOP leaders," Washington Post, factiva

All of this underscores a basic fact about ……. it may be too late. The time for injecting reality into the debate has long since passed.

#### Winner’s win

Hirsh 13 Michael, chief correspondent for National Journal; citing Ornstein, a political scientist and scholar at the American Enterprise Institute and Bensel, gov’t prof at Cornell, "There's No Such Thing as Political Capital", 2/7, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

But the abrupt emergence of …… the winning side. It’s a bandwagon effect.”

#### Best studies prove

Brandt and Ulfelder ‘11(\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict, April, 2011, “Economic Growth and Political Instability,” Social Science Research Network)

These statements anticipating …… spite of the expected and apparent uptick in social unrest associated with the crisis.

### 2AC QDR CP

#### b.) Don’t limit authority in time – no solvency

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

A policy decision to ….. key aspect of the U.S. national security strategy.

#### Links to politics and doesn’t solve- they’ll disregard congressional guidance and don’t fix key issues

Defense News 13

(7-14, “2014 QDR Must Follow Congressional Guidance,” <http://www.defensenews.com/article/20130714/DEFFEAT05/307140008/2014-QDR-Must-Follow-Congressional-Guidance>) atw

As the US Department of ….. is older than they are.

#### Perm do the CP – it is just an example of the plan

4 – Perm do the CP

**Resolved means to express by formal vote**

**Webster’s** Revised Unabridged Dictionary, **1998** (dictionary.com)

Resolved**:**

5. To express, as an opinion or ….., it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

**Should doesn’t mean mandatory**

**Words and Phrases,** 20**02** (“Words and Phrases: Permanent Edition” Vol. 39 Set to Signed. Pub. By Thomson West. P. 370)

Cal.App. 5 Dist. 1976. Term “…….. Code, § 1538.5(b).---Cuevas v. Superior Court, 130 Cal. Rptr. 238, 58 Cal.App.3d 406 ----Searches 191.

#### Only codification prevents Court evisceration of War Powers – doesn’t solve congress

Benjamin Wittes 8, Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law, …….foreign policy and warfare.