## T

Interpretation - Restrictions are prohibitions on action

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

3. The ordinary …not agree to restrict his license.

#### Violation – the aff releases detainees – this doesn’t curtail presidential war powers in the area of indefinite detention.

#### Limits – allowing usfg action that doesn’t result in curtailing obamas war powers explodes the topic - simply releasing detainees would be the same as moving our army in order to restrict war making powers.

#### Ground – being so untopical makes it impossible to garner solvency deficits and debate the plan. Reason to vote negative

## DA 1

#### Obama will win the debt ceiling fight – strength and resolve are key to forcing the GOP to bend

POLITICO 10 – 1 – 13 [“Government shutdown: President Obama holds the line” http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3]

President Barack Obama started …way as people rethink this.”

#### Plan kills Obama’s agenda

KRINER 10—Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, pg. 276-77]

One of the mechanisms by which … had the predicted effect.

#### Losing military authority will embolden the GOP to fight on the debt ceiling

SEEKING ALPHA 9 – 10 – 13 [“Syria Could Upend Debt Ceiling Fight” http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight]

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably … default on U.S. obligations unless another last minute deal can be struck.

#### Destroys the global economy

DAVIDSON 9 – 15 – 13 co-founder and co-host of Planet Money, a co-production of the NYT and NPR [Adam Davidson, Our Debt to Society, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=1&]

The Daily Treasury Statement, a … global economy becomes riskier and costlier.

#### Global nuke wars

Kemp 10—Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace [Geoffrey Kemp, 2010, *The East Moves West: India, China, and Asia’s Growing Presence in the Middle East*, p. 233-4]

The second scenario, called … the planet’s population.

## DA 2

#### Strong pres key to deter Iran – commander in chief must be in control

Kramer 9/17/13

<http://www.commentarymagazine.com/2013/09/17/israel-likes-its-u-s-presidents-strong-2/>

Martin Kramer is President of Shalem College, a new undergraduate liberal arts college in Jerusalem. An authority on contemporary Islam and Arab politics, Kramer earned his undergraduate and doctoral degrees in Near Eastern Studies from Princeton University. During a twenty-five-year academic career at Tel Aviv University, he directed the Moshe Dayan Center for Middle Eastern and African Studies. Kramer has taught as a visiting professor at Brandeis University, the University of Chicago, Cornell University, Georgetown University, and The Johns Hopkins University (SAIS). He has served as a visiting fellow at the Woodrow Wilson International Center for Scholars in Washington, The Washington Institute for Near East Policy, and Harvard University's Olin Institute for Strategic Studies.

Israel Likes Its U.S. Presidents Strong

But I focused instead on …sign of trouble at the top.

#### Only trust in US stops Israeli attack on Iran

Birnbaum 9/12/13

<http://www.newrepublic.com/article/114691/israel-strike-iran-how-obamas-syria-waffling-makes-it-more-likely>

Ben Birnbaum is a writer living in Israel.

The second misconception is … military opportunity closes.

#### Extinction

Hindustan Times 9/24/12

<http://www.hindustantimes.com/world-news/RestOfAsia/World-War-III-may-erupt-if-Israel-attacks-Iran-official/Article1-934709.aspx>

A top Iranian official has said a … them if a war breaks out," he added.

## K

#### Liberal legitimacy and hegemony is an imperial ideology disguised by the language of science. Liberal institutionalism requires the elimination of non-liberal forms of life to achieve national security

Tony SMITH Poli Sci @ Tufts 12 [*Conceptual Politics of Democracy Promotion* eds. Hobson and Kurki p. 206-210]

Writing in 1952, Reinhold Niebuhr … much more likely to succeed.

#### This drive to destroy non-liberal ways of life will culminate in extinction

Batur 7 [Pinar, PhD @ UT-Austin – Prof. of Sociology @ Vassar, *The Heart of Violence: Global Racism, War, and Genocide*, Handbook of The Sociology of Racial and Ethnic Relations, eds. Vera and Feagin, p. 441-3]

War and genocide are horrid, … examples of this “geography of hunger and exploitation” are Iraq and New Orleans.

#### Using the law as a starting point for your affirmative casts populations as outside of the law. That results in an ideology perpetuating black sites

Pugliese 13 – Associate Professor of Macquarie University specializing in social justice (Joseph, “State Violence and the Execution of Law : Biopolitical Caesurae of Torture, Black Sites” Routledge)

Soon after the story of the systemic torture perpetrated at Abu Ghraib broke in the US, former President George W. Bush was interviewed by a journalist on the morality of torture: Q: Mr President . . . this is a moral question: Is … the incommensurability of law to justice.

**Alternative—Challenge to *conceptual* framework of national security. Only our alternative displaces the source of executive overreach. Legal restraint without conceptual change is futile.**

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51]

The prevalence of these continuities … arrangements to become ever more entrenched.

## CP

#### The President of the United States should issue an executive order to release individuals in military detention who have won their habeas corpus hearing.

**And you have to specify and they didn’t – voter–**

**1. Fairness - failure to specify allows aff conditionality and wrecks specific solvency debates**

**Brovero 94** [Adrienne, Wake Forest University, “SOP, There It Is,” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Brovero1994Immigration.htm]

Agent specificity is also … policy is to be done.

#### CP sends the most powerful signal (while avoiding Congressional confrontation)

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the … is exactly what Obama needs to do now.

## Legit

**Obama ignores the plan and retains detainees anyway. Noncompliance undermines the Court’s legitimacy and makes the plan worthless**

Pushaw 4—Professor of law @ Pepperdine University [Robert J. Pushaw, Jr., “Defending Deference: A Response to Professors Epstein and Wells,” Missouri Law Review, Vol. 69, 2004]

Civil libertarians have urged the … full responsibility. Pg. 968-970

**Democracies cause more wars- their studies are flawed**

**- Henderson ‘2** (Errol Henderson, Assistant Professor, Dept. of Political Science at the University of Florida, 2002, Democracy and War The End of an Illusion?)

**The replication and extension of …**—and to ini­tiate—interstate wars.

**Turn – transition causes war.**

**Taner ‘2** (Taner—PhD Poli Sci at Syracuse—2002 (Binnur Ozkececi, Fall, Alternatives: Turkish Journal of International Relations, Vol. 1, No. 3, p. 45, http://www.alternativesjournal.com/binnur.pdf)

More seriously, however, “… countries and modify, not necessarily change, some of their propositions.

**Obama will disregard the Court. He is on record**

Pyle 12—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

Preventive Detention

But this is not the only double standard … with euphemisms like “enhanced interrogation techniques” (Editorial 2011b).

**Congress will backlash. It will functionally bar the Court from exercising its authority**

Vladeck 11—Professor of Law and Associate Dean for Scholarship @ American University [Stephen I. Vladeck, “Why Klein (Still) Matters: Congressional Deception and the War on Terrorism,” Journal of National Security Law, Volume 5, 6/16/2011, 9:38 AM

Six weeks later, Congress enacted the USA P… appropriate.”56 pg. 257-259

## Judicial Globalism

**Heg doesn’t solve war**

Christopher Preble (director of foreign policy studies at the Cato Institute) August 2010 “U.S. Military Power: Preeminence for What Purpose?” <http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/>

Most in Washington still embraces … pick up the tab.

**Soft power doesn’t prevent backlash. Countries hate US power, regardless of how it’s exercised**

Charles Krauthammer, nationally syndicated columnist, Pulitzer Prize winner, recipient of the Irving Kristol Award from the American Enterprise Institute, Winter 2002/2003, The National Interest, “The Unipolar Moment Revisited,” p. Lexis

A third critique comes from what might .. the details of our management of it.

**US decline will not spark wars.**

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

Our findings are directly relevant … only exacerbate U.S. grand strategic problems and risk unnecessary clashes. 101

# 2NC Overview

# 2NC Pugliese

**Their plan proves our argument- they mandate the release of prisoners who have WON their habeaus corpus hearings- but they leave the ones who lost in detention sites- proves they don’t solve their signal arguments and the government will always distort progress for their own benefit- their plan is the problem**

**Worthington 11**

<http://www.andyworthington.co.uk/guantanamo-habeas-results-the-definitive-list/>

This definitive list of all the court rulings relating to … of the various appeals.

# 2NC Impact

#### Colonialism is an unacceptable ethical violation. You should refuse to vote affirmative regardless of the good they claim to achieve.

Nermeen Shaikh, @ Asia Source, 7 [*Development* 50, “Interrogating Charity and the Benevolence of Empire,” Palgrave-Journals]

It would probably be incorrect to assume that the … the Partition) (Pandey, 1998), or the consolidation of Jewish and Arab identities in Palestine and the Mediterranean generally (Anidjar, 2003, 2007).

#### Their magnitude and escalation claims support an imperial paradigm of war against illiberal ways of life. Narratives of global vulnerability and extinction support recolonization by the global North.

Mark DUFFIELD Global Insecurities Centre & Politics @ Bristol (UK) 10 [“Global Insecurities Centre, Department of Politics Exploring the Global Life-Chance Divide” *Security Dialogue* 41 p. 67-69]

With the ending of the Cold War, the … political foreground.

#### Transplanting the liberal-legal model risks authoritarian abuse, and hurts internal bottom-up reforms.

Julie MERTUS Law @ Ohio Northern 99 [From Legal Transplants to Transformative Justice 14 Am. U. Int'l L. Rev. 1335, Lexis]

C. Legal Transplant Projects Problems with …, and the most knowledgeable legal experts will be unable to solve it on their own.

#### Legitimacy is a weapon for the national-security apparatus. Legal restrictions enable the U.S. to wage more precisely regulated and brutal forms of war.

Francisco J. CONTRERAS Prf. Philosophy of Law @ Seville AND Ignacio de la RASILLA Ph.D. candidate in international law, Graduate Institute of International Studies, Geneva, 8 [“On War as Law and Law as War” Leiden Journal of International Law Vol. 21 Issue 3 p. 770-773]

Kennedy begins by coldly contradicting those … their own’, an autonomous, perverted dynamism.

# A2 Perm

#### Bare life is the hidden foundation of the 1AC. As such, Plan will always be immobilized and imprisoned by the distinction between sovereign and subject. A completely new politics is the only hope for meaningful politics

Agamben 1998 – published and widely cited philosopher (“Homo Sacer: Sovereign Power and Bare Life,” <http://www.thing.net/~rdom/ucsd/biopolitics/HomoSacer.pdf>)

The protagonist of this book is … without reserve.

# Democratic Peace K—Turns Case

#### Stability offered by liberal-democratic assistance comes at a price—they establish the conditions for long-term exploitation and genocide. The historical record of democratic interventions proves the reality of solvency never lives up to the rhetoric

Oliver RICHMOND IR and Director of Centre for Peace and Conflict Studies @ St. Andrews 9 [*New Perspectives on liberal peacebuilding* eds. Newman, Paris & Richmond p. 59-63]

Backsliding: Emerging problems with …, backsliding and international unease.

#### More evidence—

#### Heg doesn’t solve war

Fettweis 10—Professor of national security affairs @ U.S. Naval War College [Christopher J. Fettweis, “Threat and Anxiety in US Foreign Policy,” *Survival*, Volume 52, Issue 2 April 2010 , pages 59—82//informaworld]

One potential explanation for the growth of … is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

### Ptx

Depression means more terror recruitment and motivation

Fandl, Adjunct Law Professor @ Washington College of Law, ‘4

(Kevin J, 19 Am. U. Int'l L. Rev. 587)

In his final speech in the United … will be able to destroy the prevalence and furtherance of those ideas. 58

Nuke 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]

**The nuclear taboo is a** kind **of …** danger of a nuclear war**.**

Collapses heg

Friedberg, professor of politics and IR @ Princeton, and Schoenfeld, visiting scholar @ the Witherspoon Institute, 10/21/’8

(Aaron and Gabriel, “The Dangers of a Diminished America,” <http://online.wsj.com/article/SB122455074012352571.html?mod=googlenews_wsj>)

One immediate … of maximum vulnerability.

Best studies prove growth solves conflict

Jedidiah **Royal 10**, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signalling And The Problem Of Economic Crises”, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Second, on a dyadic level…, are statistically linked to an increase in the use of force.

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. … absolutes such as unbridled nationalism**.**

### Link

#### They tried to make a courts no link on case and a link turn at the bottom of the flow – ill answer it here

#### Court action causes Congress to backlash against Obama

Calabresi 2008(Massimo Calabresi, June 26, 2008, “Obama's Supreme Move to the Center Washington” TIME Magazine, http://www.time.com/time/politics/article/0,8599,1818334,00.html)

When the Supreme Court … appointing liberal justices much between now and November.

#### Restricting detention links

CCR 11 Center for Constitutional Rights [Detained Man Describes Peaceful Protests Against Indefinite Detention at Guantánamo, http://yubanet.com/usa/Detained-Man-Describes-Peaceful-Protests-Against-Indefinite-Detention-at-Guant-namo.php#.Ujn\_vMbYuYQ]

Upon the anniversary of … the government has requested.

**Empirically – Court detention cases caused a Congressional backlash**

**Abramowitz and Weisman 6** – Washington Post Staff Writers (6/1/06, Michael and Jonathan, The Washington Post, “GOP Seeks Advantage In Ruling On Trials”, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/30/AR2006063001737.html>) AC

**Republicans** yesterday **looked to …** campaign in 2004.

#### Leadership matters

**Jacobs and King 10**, University of Minnesota, Nuffield College, (Lawrence and Desmond, “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics (2010), 8: 793-802)

Yet if presidential … our future”.12

#### No impact to their behner args – shutdown broke up

Ezra Klein 9/28/13, writer @ the Washington Post, “The House GOP’s shutdown plan is great news,” Washington Post, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/28/the-house-gops-shutdown-plan-is-great... pressure to force a resolution before a default happens.

#### Empirically false and the plan is more likely to disrupt Obama’s careful issue selection

**Eberly, 13** - coordinator of Public Policy Studies and assistant professor in the Department of Political Science at St. Mary's College of Maryland (Todd, Baltimore Sun, “The presidential power trap” <http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-george-hw-bush-party-support/2>)

Only by solving the … oath of office.