## 1

#### US credibility is collapsing due to detention policy

David Welsh 11, J.D. from the University of Utah, “Procedural Justice Post-9/11: The Effects of Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy”, http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf

The Global War on […] perspective of legitimacy in the context of detention.

#### A U.S. commitment to the war power authority to detain without trial destroy’s U.S. dimplomatic credibility

Atwood and ten other foreign diplomats 9

BRIEF OF FORMER UNITED STATES DIPLOMATS

J. Brian Atwood is the dean of the Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, Harry Barnes was director of the Carter Center's Human Rights and Conflict Resolution Program., ¶ F Allen Harris, former president America Foreign Service Association, , ¶ John Hirsch former U.S. Ambassador, Genta Hawkins Holmes (is an American professor in diplomacy at UC-Davis and former American foreign service officer and ambassador, ¶ Gilbert D. Kulick former Foreign Service officer, L. Bruce Laingen former U.S. Ambassador, ¶ Elijah Lovejoy former foreign service officer, Laurence Pope is former US Ambassador, ¶ Former foreign service officer, Alexander Watson former Foreign Service Officer AS ¶ AMICI CURIAE IN SUPPORT OF THE PETITIONER¶ https://www.aclu.org/files/pdfs/safefree/almarri\_formerdiplomats\_20090128.pdf

¶ We, the amici curiae lending our […] same time promoting ¶ democracy and human rights.19

#### Judicial restrictions that align detention policy with international law are key credibility that sustains hegemony

Knowles 10 (Robert, Visiting Assistant Professor of Chicago-Kent College of Law, “PART I: TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS”, William Mitchell Law Review, 36 Wm. Mitchell L. Rev. 5061, Lexis)

Moreover, stability in empires depends […] and much more costly for a rising rival, such as China, to ignore.

#### Judicial review of presidential war power is our most important symbol of soft power and is key to winning the war on terror

Sidhu 11

Dawinder S. Sidhu is an assistant professor of Law at the University of New Mexico School of Law and Founding Director of the Discrimination & National Security Initiative, Pluralism Project at Harvard University. "Judicial Review as Soft Power: How the Courts Can Help Us Win the Post-9/11 Conflict," American University¶ National Security Law Brief, Vol. 1, No. 1 (2011).¶ Available at: http://digitalcommons.wcl.american.edu/nslb/vol1/iss1/4

The United States’ post-9/11 military goals, […] on our belief in and adherence to the ¶ rule of law.

#### The plan undercuts attacks on legitimacy

Setty 10 – Professor of Law @ West New England

(Sudha, “Comparative Perspectives On Specialized Trials For Terrorism,” 63 Me. L. Rev. 131)

The United States has historically […] to face trial in the Southern District ofNew York in 2009.18

#### Credibility solves extinction – attempts to persuade are inevitable, the plan makes them effective

Jervis 9– professor of international politics at Columbia University

(Robert, Unipolarity: A Structural Perspective, World Politics, 61.1)

As I will discuss further below, […] vision and believe that its leadership is benign.

#### Without multilateralism conflicts escalate to WMD use

Montalván 10 - master's of science from Columbia University's Graduate School of Journalism

(Luis, “Multilateralism is Essential for Peace in the 21st Century” Huffington Post, 4/23, <http://www.huffingtonpost.com/luis-carlos-montalvan/multilateralism-is-essent_b_550332.html>)

Unilateralism is the wrong approach for American […] second tour in Iraq)¶ Concerns over economic stability, limited resources and security have divided us. Now is the time to create rather than divide common ground.

#### US credibility is key to multilateral terror cooperation

Terkel 4 - researcher @ the Center for American Progress

(Amanda, http://www.americanprogress.org/issues/2004/08/b165288.html)

Our credibility at home and abroad […] matters and we need our credibility intact to secure it.

#### Assuring trials is key to defeating Al-Qaeda

Hathaway et al 13

Oona Hathaway, Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts and Sirine Shebaya+¶ BIO: + Oona Hathaway is the Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School. Samuel Adelsberg, Spencer Amdur, and Freya Pitts are J.D. candidates at Yale Law School. Philip Levitz and Sirine Shebaya received their J.D.s from Yale Law School in 2012, The Power To Detain: Detention of Terrorism Suspects After 9/11, The Yale Journal of International Law¶ Winter, 2013¶ The Yale Journal of International Law¶ 38 Yale J. Int'l L. 123

The United States is still actively engaged in […] more intelligence over the course of prosecution. n262

#### The availability of new technological makes a bioweapons attack leading to extinction highly probable

Myhrvold 13

Bynathan Myhrvold, former Chief Technology Officer at Microsoft, MA and PhD from Princeton University, he held a postdoctoral fellowship at the University of Cambridge working under Stephen Hawking¶ Strategic Terrorism a Call to Action, The Lawfare Research Paper Series¶ research paper no. 2 – 2013¶ July 2013¶ <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

¶ As horrible as this would be, such a pandemic is by ¶ no […] with that of other calamities ¶ that the human race has faced.

## 2

#### Legitimation of detention without trial will spur instability in Pakistan

Cleveland 09

Sarah H. Cleveland¶ Louis Henkin Professor of Human and Constitutional Rights¶ Columbia Law School Hearing on “The Legal, Moral and National Security Consequences of ¶ ‘Prolonged Detention’”¶ June 9, 2009 http://www.judiciary.senate.gov/pdf/09-06-09Clevelandtestimony.pdf

¶ The U.S. detentions on Guantanamo for […] gain their critical cooperation in international counterterrorism efforts. ¶

#### That is eaxtly what is happening in Pakistan

IRIB World Services 13

http://english.irib.ir/subcontinent/analysis/commentaries/item/86464-kidnapping-detention-of-pakistanis-by-intelligence-agencies-go-on-unabated

Pakistani intelligence agencies continue […] abducted and held by the county’s security agencies.

#### Instability in Pakistan causes collapse

Kahn 13

Shabbir Ahma, April 1, Express Tribune, PhD Scholar at West Virginia University in the US, “Pakistan: A vanishing state” <http://tribune.com.pk/story/529568/pakistan-a-vanishing-state/>

Why do empires and states fail or fall? […] decadent and eroded social and political order.

#### Causes loose nukes—impact defense doesn’t apply

Kerr and Nikitin 13 – \*Analyst in Nonproliferation @ CRS \*\*Specialist in Nonproliferation @ CRS

Paul and Mary Beth, 3-19-13, “Pakistan’s Nuclear Weapons: Proliferation and Security Issues” http://www.fas.org/sgp/crs/nuke/RL34248.pdf

Pakistan’s nuclear arsenal probably consists of approximately […] see CRS Report R41832, Pakistan-U.S. Relations, by K. Alan ¶ Kronstadt.

#### Extinction

Andrew Phillips '12, PhD in IR from Cornell and professor of International Relations and Strategic Studies at the University of Queensland, 3/16/13, "Horsemen of the apocalypse? Jihadist strategy and nuclear instability in South Asia," International Politics: 49 pp. 297-317

The rising prominence of South […] powers such as China and the United States (Ayson, 2010, pp. 586–587).

#### Deterrence won’t check – terrorism disrupts conventional norms

Sharma 12 – Professor of Political Science at University of Auckland

Ashok, Winter/Spring, “The Enduring Conflict and the Hidden Risk of India-Pakistan War” SAIS Review, Vol 32 No 1, ProjectMuse

Despite the diplomatic and political […] to flex its military muscle against India.

## 3

#### The United States federal judiciary should restrict the war powers authority of the President of the United States to use indefinite detention without criminal trial.

#### Disregard solvency deficits – Article 3 courts have worked for 2 centuries through a series of emergencies and legal changes

Dratel 10 – Criminal defense attorney, New York City, B.A., 1978, magna cum laude, Columbia College, J.D., 1981, Harvard Law School.

(Joshua, “RESPONSES TO THE TEN QUESTIONS,” William Mitchell Law Review, 36.5)

(4) Any such set of rules should be created […]not ¶ enhance U.S. national security, but diminish it.

#### The largest sample set proves criminal courts work for terror trials

Shulman 9 – Professor @ Pace Law School

(Mark, “NATIONAL SECURITY COURTS: STAR CHAMBER OR SPECIALIZED JUSTICE?,” Scholar)

One major report collected the informed […] a non-participant to evaluate the claims.58

#### 90 percent conviction rate

-DA non-unique, criminal trials increasing

Hathaway et al 12

Oona Hathaway; Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School, Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts, and Sirine Shebaya; J.D. candidates at Yale Law School, “THE POWER TO DETAIN: DETENTION OF TERRORISM SUSPECTS AFTER 9/11, Yale Journal of International Law

The least contested bases for detention authority […] advantages in the fight against terrorism.

#### No leaks – CIPA solves

Setty 10 – Professor of Law @ West New England

(Sudha, “Comparative Perspectives On Specialized Trials For Terrorism,” 63 Me. L. Rev. 131)

Proponents of a specialized court for […] able to ¶ manage the task successfully. 53

#### Federal courts key to legitimacy and allied cooperation – Makes detention effective

Hathaway et al 12

Oona Hathaway; Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School, Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts, and Sirine Shebaya; J.D. candidates at Yale Law School, “THE POWER TO DETAIN: DETENTION OF TERRORISM SUSPECTS AFTER 9/11, Yale Journal of International Law

Federal courts are also fairer and […] from within the Department of Defense and the White House.246

#### Any DA is to criminal courts is empirically denied

Colson 9 - Acting Director, Law & Security Program @ HR First

(Deborah, Prepared the following report: “The Case Against A Special Terrorism Court,” HR First, http://www.humanrightsfirst.org/wp-content/uploads/pdf/090323-LS-nsc-policy-paper.pdf)

Terrorist suspects should be prosecuted […]cooperation may result in shorter prison ¶ sentences.