## Credibility

#### 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.

#### Plan is key to an international response to climate change

Wexler 8

(Lesley, Assistant Professor, Florida State University College of Law, “HUMAN RIGHTS IMPACT STATEMENTS: AN IMMIGRATION CASE STUDY,” 22 Geo. Immigr. L.J. 285, Lexis) BB

Enhancing our reputation for human rights […] domestic actors to flesh out.

#### Global climate cooperation solves warming

Burleson 7 – Pace University School of Law, LLM London School of Economics and Political Science, JD University of Connecticut School of Law

(Elizabeth Burleson, “Multilateral Climate Change Mitigation” 41 U.S.F. Law Review 373, January 1 2007, Environmental Law Commons)

The international community can […]genuine multilateral cooperation immediately.

#### Warming is anthropogenic – most comphrensive analysis to date proves

Green 13 – Professor of Chemistry @ Michigan Tech,

\*John Cook – Fellow @ Global Change Institute, produced climate communication resources adopted by organisations such as NOAA and the U.S. Navy

\*\*Dana Nuccitelli – MA in Physics @ UC-Davis

\*\*\*Mark Richardson – PhD Candidate in Meteorology, et al.,

(“Quantifying the consensus on anthropogenic global warming in the scientific literature,” Environmental Research Letters, 8.2)

An accurate perception of the degree of […] endorses the scientific consensus on AGW.

#### No alt causes – natural forcing mechanisms can’t explain modern termperature trends

Rahmstorf 8 – Professor of Physics of the Oceans

Richard, of Physics of the Oceans at Potsdam University, Global Warming: Looking Beyond Kyoto, Edited by Ernesto Zedillo, “Anthropogenic Climate Change?,” pg. 42-4

It is time to turn to statement B: human activities […] is a reality with which we need to deal.

#### Tipping points are likely – leads to runaway warming

Guterl 12 – Editor @ Scientific American

(Fred, “Climate Armageddon: How the World's Weather Could Quickly Run Amok: Climate scientists think a perfect storm of climate "flips" could cause massive upheavals in a matter of years, http://www.scientificamerican.com/article.cfm?id=how-worlds-weather-could-quickly-run-amok)

One of the most productive […] of carbon now trapped in permafrost.

#### Causes extinction—4 degree projections trigger a laundry list of extinction scenarios

Roberts 13—citing the World Bank Review’s compilation of climate studies

- 4 degree projected warming, can’t adapt

- heat wave related deaths, forest fires, crop production, water wars, ocean acidity, sea level rise, climate migrants, biodiversity loss

David, “If you aren’t alarmed about climate, you aren’t paying attention” [http://grist.org/climate-energy/climate-alarmism-the-idea-is-surreal/] January 10 //mtc

We know we’ve raised global average […] more inhospitable with every passing decade.

#### Climate change leads to war – statistically rigorous analysis proves

Hsiang 13 – Professor of Public Policy @ UC-Berkeley

(Solomon, et al., “Quantifying the Influence of Climate on Human Conflict,” August, 10.1126/science.1235367)

Human behavior is complex, […]in climatic conditions amplify the risk of human conflicts.

#### \*\*Traditional risk assessment should be ignored—potential disastrous effects of warming should be treated as 100% likely even if they win some defense

Emanuel 12—atmospheric science professor @ MIT

Kerry, “Probable Cause” [http://www.foreignpolicy.com/articles/2012/11/09/probable\_cause?page=full] November 9 //mtc

At its best, climate science deals in probabilities. This means that under ideal conditions, scientists can estimate how a given climate signal alters the chances of a particular event. For example, we can now begin to estimate how global warming changes the probability of destructive hurricane landfalls. But in the case of hybrid storms like Sandy, which combine hurricane and winter storm characteristics, science hasn't even progressed to the point of assessing probabilities. Although this point may seem straightforward, it is routinely spun and misinterpreted. My colleagues and I try to make concise statements such as "Science has not established a link between hybrid events and climate change." But often, such statements are spun by climate skeptics into "Science has established that there is no link between Sandy and climate change." Others see Sandy as a harbinger of what climate change may look like, or emphasize (as I have) that sea level rise and increased atmospheric moisture can only worsen the effects of storms like Sandy. But there is a more fundamental reason that science has failed to properly inform public debate -- its inherent conservatism. For scientists, an asymmetric reward structure means that it is better to be a little late in what proves to be an important discovery than to publish too soon and be proved wrong. As a result, scientists often ignore apparent patterns in their data if there is as little as a 5 percent probability that they could have arisen by chance. But while this philosophy makes sense for science, it can be disastrous when applied to risk assessment. For example, the Fukushima Dai-ichi nuclear disaster occurred, in part, because the plant was built to withstand tsunamis triggered by offshore earthquakes up to magnitude 8.3 -- the largest earthquake that scientists conservatively estimated might be possible. But what was a "conservative" estimate for science was anything but conservative in the arena of risk management. Given the enormous potential downside, it would have made far more sense to build in a margin of error that might have withstood the magnitude 9.0 quake that did occur. The same can be said of climate change policy. The world has suffered an extraordinary string of weather disasters over the past decade, ranging from crippling droughts and floods, to severe tornado and hail outbreaks, to highly destructive hurricanes. Insurance industry statistics reflect a substantial increase in damages from these events, but in only a few cases can scientists confidently attribute them to climate change. (For example, increased incidence of droughts, floods, and high category hurricanes may be partly pinned on climate change.) But we know next to nothing about the relationship between climate change and other weather phenomena, such as tornadoes, and we have yet to establish a link to hybrid storms like Sandy. For all but a few of these phenomena, the scientifically correct conclusion is that we can't rule out the possibility that they were purely manifestations of natural variability. But from a public policy perspective, it would be prudent to assume that climate change might be behind some of these changes, given that it is manifestly changing the environment in which these events develop. Consider the following thought experiment. Suppose we begin pumping sulfate aerosols into the stratosphere in an attempt to slow the pace of global warming. Suppose further, that over the next two years we suffer unprecedented drought, summer freezes, and a series of crippling blizzards. When confronted, scientists say that they need at least ten more years of data to establish with 95 percent confidence whether or not these phenomena were made substantially more likely by the sulfate aerosols. My guess is that most everyone, including scientists, would want the experiment terminated right away. A small chance that the signal is real justifies taking action, given the magnitude of the consequences. The real experiment we are performing by increasing greenhouse gas concentrations in our atmosphere differs from the thought experiment in several crucial respects. First, it is accidental rather than intentional, thereby entailing a different moral culpability. Second, turning off the experiment would be costly, especially for many of the most profitable industries on the planet. And finally, we must terminate the experiment very soon to minimize risks that will continue for hundreds of years. Yet the outcome asymmetry of global warming is real and must be accounted for in any rational assessment of its risks. The most likely outcomes would have serious but manageable consequences for our descendents. Somewhat less probable, but not impossible, are benign outcomes. On the far side of the probability distribution are dire consequences ranging from flooded coastal cities to global armed conflict brought about by natural disasters and chronic food and water shortages. Reasonable people will differ on how far we should go to mitigate these highly asymmetric risks. But the argument that there is no risk or that we should do nothing is both scientifically and morally indefensible.

## Solvency

#### The United States Federal Government 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.