### 2ac – Hollow Hope

#### 1nc 1 is hollow hope BUT the court can be good – particularly in the context of negative action against bad policies – prefer the specificity of our ev.

Chang, Seattle University Law Professor & Founding Director, Fred T. Korematsu Center for Law and Equality, 11

[Robert S. October, 2011, “THE FRED T. KOREMATSU CENTER FOR LAW AND EQUALITY AND ITS VISION FOR SOCIAL CHANGE” <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1022&context=faculty>, p. 201-3, accessed 11-18-13, AFB]

There is a rich academic debate about the promise and perils of pursuing¶ litigation

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Center's approach to our amicus work and to our broader¶ advocacy efforts.

### 2ac – Circumvention

#### Observer effect disproves.

Deeks, Associate Professor of Law, University of Virginia Law School, 13

(Ashley, October, “The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” University of Virginia School of Law Public Law and Legal Theory Research Paper Series 2013-41, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2338667, accessed 10-18-13, CMM)

In another sense, though, much of substance has been decided since¶ 2002

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of those policies and, consequently, the constitutional national¶ security order.

A more detailed understanding of the observer effect has implications for¶ national security developments

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with the Guantánamo habeas cases in the¶ D.C. Circuit.

### 2ac – CRT

#### Progress is possible – Bell is wrong – and reformism solves.

Clark, Catholic University law professor, 1995

[Leroy, 73 Denv. U.L. Rev. 23, “ARTICLE: A Critique of Professor Derrick A. Bell's Thesis of the Permanence of Racism and His Strategy of Confrontation” Lexis, accessed 10-23-13, TAP]

The History of Black Progress¶ I must now address the thesis that there has

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however, viewed with a holistic perspective, largely refute this claim. n70

#### Using the state doesn’t compromise ethics – using it strategically in the short term does not trade off with long term revolution.

Smith, Associate Professor of Media and Cultural Studies at UC Riverside, 12

 (Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement,” settler colonial studies 2, 2 (2012) Special Issue: Karangatia: Calling Out Gender and Sexuality in Settler Societies, http://www.tandfonline.com/doi/pdf/10.1080/2201473X.2012.10648842, accessed 10-18-13, CMM)

In the debates prevalent within Native sovereignty and racial justice movements, we are often

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Native women’s lives by buttressing the prison industrial complex and its violent logics.

While this reformist versus revolutionary dichotomy suggests two radically different positions, in reality they

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would free us to change our strategies as we assess its strategic effects.

At the same time, by divesting from the morality of the law, we

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an alternative system to the heteropatriarchal, white supremacist, settler colonial state.

#### It is necessary to learn the language of the state- their form of opposition will always be transitory, getting co-opted by the government or society. It may be necessary but is not sufficient

Sullivan, the New Republic – editor, 1995 (Andrew, Virtually Normal, pg. 91-93)

Moreover, mere cultural redeployment in a free society is always subject to a cultural

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or projects for turning the cage into something more like a human home.”

### 2ac – Korematsu Education Good

#### Japanese internment is useful to any conversation about racial injustice.

Chon, Seattle University Law Research and Centers associate dean, 2010

[Margaret, Seattle University law professor, 8 Seattle J. Soc. Just. 643, “ACCESS TO JUSTICE: Remembering and Repairing: The Error Before Us, In Our Presence” Lexis, accessed 10-25-13, TAP]

Purely legal approaches toward reparations suffer from theoretical limitations, which range from the technical

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through the law in conjunction with other sociocultural processes, such as education.

#### Korematsu is an important part of the curriculum.

Chon, Seattle University Law Research and Centers associate dean, 2010

[Margaret, Seattle University law professor, 8 Seattle J. Soc. Just. 643, “ACCESS TO JUSTICE: Remembering and Repairing: The Error Before Us, In Our Presence” Lexis, accessed 10-25-13, TAP]

Through the vehicle of coram nobis, the original trial court can consider facts that

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such harm into or the omission of important narratives from present everyday practices.

### 2ac – Suffering Commodification K

#### Your silence is telling – the performance of the 1nc is faint damnation of internment – it doesn’t capture the full force of the 1ac criticism because it is a completely decontextualized approach.

Yen, Boston College law professor, 1998

[Alfred, 40 B.C. L. Rev 1, “SYMPOSIUM: Introduction: Praising With Faint Damnation -- The Troubling Rehabilitation of Korematsu” Lexis, accessed 10-22-13, TAP]

A prime example of the way in which Korematsu may be "praised with faint

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he studiously avoids criticizing every arm of the government responsible for internment.

#### The aff provides a window for open-ended struggle.

Yamamoto, University of Hawai'i law professor, and Obrey, University of Hawai'I JD candidate, 2009

[Eric and Ashley Kaiao, 16 Asian Am. L.J. 5, “Article: Reframing Redress: A "Social Healing Through Justice" Approach to United States-Native Hawaiian and Japan-Ainu Reconciliation Initiatives” Lexis, accessed 10-22-13, TAP]

With the Congressional Commission's Report, the coram nobis court victories, and the pending

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of internment. n56 It also established an internment fund for public education.

#### Perm embraces their radical critique.

Chantal **Mouffe**, College International de Philosophie, *Dimensions of Radical Democracy,* **’92**, pg 1

On the eve of the twenty-first century, amid the upheavals the world

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that it is not possible to find more radical principles for organizing society.

#### Korematsu provides important education about activism.

Gruber, Florida International University associate law professor, 2006

[Aya, 54 Kan. L. Rev. 307, “ARTICLE: Raising the Red Flag: The Continued Relevance of the Japanese Internment in the Post-Hamdi World” Lexis, accessed 11-2-13, TAP]

Examining the legal literature, there are two different but related areas in which the

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is a necessity; it is a struggle we all must join. n80

Their argument also doesn’t make sense in this context – absent the suffering of Japanese Americans during internment, what is the meaning of Korematsu? We should ground our politics in the material consequences of the unethical choices that resulted in Korematsu – not decontextualize it.

##### Mckenzie, Purdue University Political Theory Doctoral Candidate, 9

(Jonathan, Theory & Event, “Pragmatism, Pluralism, Politics: William James’s Tragic Sense of Life”, Volume 12, Issue 1, 2009, Project Muse, accessed 11-15-13 TAT)

Pluralism and pragmatism belong together as formative portions of James’s philosophic vision. But this

which is contemporary and responds to the crises of extant experience (142).

#### Liberalism is inevitable.

Luban, Georgetown University law professor, 2010

[David, 43 Case W. Res. J. Int'l L. 457, “Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare” <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1620&context=facpub>, p.13, accessed 9-30-13, TAP]

But international humanitarian law and criminal law are not the same thing as ¶ wars

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be a political ¶ decision. It would simply be a bad one.

#### Liberalism contains the impact.

Ross, Monash University critical theory lecturer, 2012

[Alison, Constellations Volume 19, Issue 3, Article first published online: 25 OCT 2012, “Agamben’s Political Paradigm of the Camp: Its Features and Reasons” Wiley, p.427-9, accessed 9-30-13, TAP]

The difficulty here is that Agamben, given the ahistoricity of his theory, is

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the camp¶ inmate is simply not a viable option for a state.