



## 2015-2016 Varsity Packet

### Immigration Surveillance

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- Immigration Surveillance Neg
- Guest Worker Visa DA
- Guest Worker Visa DA Aff
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- DREAM Act CP Aff

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**Resolved: The United States federal government should substantially curtail its domestic surveillance.**

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Sincerely,

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# **Immigration Surveillance Affirmative**

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## Summary

The Immigration Surveillance Affirmative seeks to end the surveillance of millions of undocumented immigrants in the United States. Currently, federal immigration officials and local law enforcement agencies track down undocumented immigrants because they have violated the law by staying in the country illegally. The issue is that many of these undocumented immigrants have already lived in the country for a long period of time, contribute to the economy through employment and paying taxes, and have children who are citizens.

Despite the benefit that immigration brings to the United States, the Obama administration (following in the footsteps of the Bush administration) has attempted to increase the number of undocumented individuals deported each year and has done so using advanced surveillance techniques and tactics. Thus, the affirmative tries to reverse this trend of deportation by ending the surveillance programs that are used to track down undocumented immigrants. The plan claims two different improvements over the current system.

First, the case argues that the process of finding and deporting millions of undocumented immigrants is bad for the U.S economy. Millions of dollars are spent every year deporting undocumented immigrants. Furthermore, most of the people who we end up deporting are critical to their local economies because they have a job, they pay taxes, and many start their own businesses. Immigrants are the economic backbone of this country because they supply the economy with workers and they contribute to the economy like other Americans by buying houses, going to restaurants, and engaging in the everyday economic activities that keep the U.S economy afloat. By deporting immigrants we make communities poorer and cause the economy to decline.

The affirmative is able to solve for this by ending the surveillance programs that are used to find and deport undocumented immigrants. When we no longer waste money trying to find undocumented immigrants we allow those individuals to contribute to our economy and make the country stronger

Second, the case argues that the federal government is currently violating peoples' human rights by using surveillance to track them down and deport them. Individuals who are tracked down and deported often have little access to legal resources and are treated in gross and unethical ways. Human rights activists have found that some people have been detained and left in prisons with horrible conditions, others have been deported even though they are actually citizens! The affirmative is able to solve for this by ending the surveillance programs that lead to the deportation of undocumented immigrants.

## Glossary (1/2)

**Alterity:** the state of being other or different; otherness.

**Arizona v. United States:** a legal case brought to the Supreme Court of the United States that dealt with whether the State of Arizona could make its own immigration law independent of the federal government. On a 5-3 decision the court found that Arizona could not make it a crime to be in Arizona without legal papers, making it a crime to apply for or get a job in the state, or allowing police to arrest individuals who had committed crimes that could lead to their deportation because those laws infringed upon the federal government's authority in immigration law.

**Attendant:** occurring with or as a result of; accompanying.

**Border Patrol:** is the agency in charge of watching and monitoring the border in order to prevent people from entering the United States illegally.

**Civil Rights:** the rights of citizens to political and social freedom and equality.

**Consular Consolidated Database (CCD):** is a database used by U.S consular officials that records data from visa applications such as photographs and demographic information of applicants.

**Dataveillance:** Surveillance of someone's personal data.

**Department of Homeland Security (DHS):** Is an agency of the United States federal government that was formed in 2002 from the combination of 22 departments and agencies. The agency is charge of various task related to making the United States homeland safe including customs, border, and immigration enforcement; emergency response to natural and manmade disasters; antiterrorism work; and cybersecurity.

**Duress:** describes a range of symptoms and experiences of a person's internal life that are commonly held to be troubling, confusing or out of the ordinary.

**Federal expenditures:** spending by the federal government.

**Human Rights:** a right that is believed to belong justifiably to every person.

**Immigrants Detention Center:** is a facility used by the federal government to house undocumented immigrants who have been detained and subject to deportation.

**Non-Governmental Organizations (NGO):** an organization that is not a part of the government. For example, Doctors Without Borders is an NGO.

**Nonjusticiable:** If a case is "nonjusticiable," a federal court cannot hear it. The justice of the court of does not have the ability to make a decision on the matter at hand.

## Glossary (2/2)

**Secure Communities Program:** is a program of the U.S Immigration and Customs Enforcement (ICE) that uses information shared between the ICE, the Federal Bureau of Investigation (FBI), and local law enforcement agencies to find whether individuals who have a criminal record have also violated immigration law by entering the United States illegally.

**Undocumented Immigrant:** refers to a foreign nationals residing in the U.S. without legal immigration status. It includes persons who entered the U.S. without inspection and proper permission from the U.S. government, and those who entered with a legal visa that is no longer valid. Undocumented immigrants are also known as unauthorized or illegal immigrants.

**U.S Immigration and Customs Enforcement (ICE):** is an agency within the Department of Homeland security that enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety.

**U.S. Citizenship and Immigration Services (U.S.C.I.S.):** The U.S. Citizenship and Immigration Services is responsible for processing immigration and naturalization applications and establishing policies regarding immigration services.

**U.S. Customs and Border Protection (C.B.P.):** Customs and Border Protection prevents people from entering the country illegally, or bringing anything harmful or illegal into the United States.

## 1AC (1/9)

## Contention One is Inherency:

**Deportation of unauthorized immigrants without a criminal record continues to increase despite improvements in the deportation selection process.**

**Barrera and Krogstad**, researchers at the Pew Research Center, **2014**

(Ana Gonzalez-Barrera and Jens Manuel Krogstad, U.S. deportations of immigrants reach record high in 2013, <http://www.pewresearch.org/fact-tank/2014/10/02/u-s-deportations-of-immigrants-reach-record-high-in-2013/>)

**The Obama administration deported a record 438,421 unauthorized immigrants in fiscal year 2013, continuing a streak of stepped up enforcement that has resulted in more than 2 million deportations since Obama took office**, newly released Department of Homeland Security data show. President Obama today is scheduled to address members of the Congressional Hispanic Caucus, a group that has recently criticized the president on immigration. Last month, the caucus urged the president to take executive action on immigration by extending deportation relief to certain groups of unauthorized immigrants, such as parents of U.S.-born children. Some immigrant advocates have dubbed Obama the “deporter in chief” over the fact that **his administration has deported about as many immigrants in five years as the George W. Bush administration deported in eight years**. During his speech, Obama is expected to reiterate his pledge to make changes to immigration policy on his own, something he said he will do after the November midterm elections.



## 1AC (2/9)

## Contention Two is the Economy:

1. Continued deportation will hurt the US economy. Deportation is expensive and costs billions of dollars over time.

**Uwimana**, an editor and senior researcher at Media Matters, **2014**

(Solange, Media Matters, Deporting Longstanding Undocumented Immigrants Would Cost U.S. Billions, <http://mediamatters.org/blog/2014/04/10/deporting-longstanding-undocumented-immigrants/198845>)

A 2010 study by the Center for American Progress (CAP) estimated that **the United States would need to spend at least \$285 billion over five years to deport all 11 million undocumented immigrants currently in the country.** That figure includes the cost of apprehending immigrants, detaining them for an average of 30 days, legally processing them, and transporting them back to their birth countries. CAP explained: In these challenging economic times, spending a king's ransom to tackle a symptom of our immigration crisis without addressing its root causes would be a massive waste of taxpayer dollars. **Spending \$285 billion would require \$922 in new taxes for every man, woman, and child in this country. If this kind of money were raised, it could provide every public and private school student from prekindergarten to the 12th grade an extra \$5,100 for their education.** Or more frivolously, that \$285 billion would pay for about 26,146 trips in the private space travel rocket, Falcon 1e. **Put another way, \$285 billion is a little more than what the federal government spent to maintain the Medicaid health program in 2013.** However, that cost to the federal government would be compounded by the loss of economic activity generated by undocumented immigrants. In **a 2010 CAP study**, UCLA political scientist Raúl Hinojosa-Ojeda **found that** enacting a mass **deportation** policy -- which he described as "not a realistic policy option" -- **would reduce economic output by 1.46 percent per year.** He added: **"This amounts to a cumulative \$2.6 trillion in lost GDP over 10 years."**

## 1AC (3/9)

**2. Undocumented immigrants and their families hold trillions of dollars of purchasing power that drive economic growth.**

**Nowrasteh**, the immigration policy analyst at the Cato Institute's Center for Global Liberty and Prosperity, **2013**

(Alex, CATO Institute, Deporting Customers Hurts the Economy,

<http://www.cato.org/publications/commentary/deporting-customers-hurts-economy>)

Those critics of immigration forget that immigrants aren't just workers, they are also consumers of products made by Americans. **Hispanic and Asian Americans have around \$1.9 trillion in annual purchasing power — about 16 percent of total purchasing power, according to** a recent report from **the Selig Center of Economic Growth** from the University of Georgia. **Hispanic and Asian immigrants have dominated both lawful and unlawful immigration in recent decades**, while their Americanized descendants are responsible for much of American population growth. **Without that \$1.9 trillion in purchasing power, Americans will have lower wages and fewer employment opportunities. Immigrants and their descendants did not take that \$1.9 trillion in wealth from Americans — they made it by working, creating businesses, and making the goods and services** that people want to buy. **In turn, they spend much of it here.**

**3. Immigrants reduce unemployment by creating new jobs**

**Russel**, reporter at the Washington Examiner, **2015**

(Jason Russel, How immigrants boost your local economy, <http://www.washingtonexaminer.com/how-immigrants-boost-your-local-economy/article/2563678>)

**Immigrants create jobs for native-born American workers, according to** a new working paper published by **the National Bureau of Economic Research**. The paper says **every immigrant creates 1.2 local jobs for local workers, raises wages for native workers, and attracts native-born workers from elsewhere in the country.** The paper was authored by Gihoon Hong, with Indiana University South Bend, and John McLaren, with the University of Virginia. Hong and McLaren used Census data from 1980-2000 to reach their conclusions. The arrival of immigrants increases the combined income of a local area, boosting demand for workers in local service jobs, part of the non-traded sector. Hong and McLaren found that these types of local service jobs create more than four-fifths of total income, so immigration to a local area requires more service workers. "We find that new immigrants tend to raise local wages slightly even in terms of tradeables for jobs in the non-traded sector while they push wages down slightly in the traded sector, and that new immigrants seem to attract native workers into the metropolitan area," Hong and McLaren wrote. "Overall, it appears that local workers benefit from the arrival of more immigrants. "Immigration opponents sometimes claim that immigrants crowd out native workers, who lose jobs and move away from immigrant-heavy areas. To the contrary, Hong and McLaren's research shows **native-born American workers are attracted to areas with more immigrants and native-born wages rise as well. "U.S. workers are actually moving from elsewhere in the country into the city that receives the immigrant inflow,**" Hong and McLaren wrote. **"Immigration appears to be raising the real wage through increased product diversity in the service industries."**

## 1AC (4/9)

## Contention Three is Human Rights:

1. Current immigration policy causes over 11 million people to live in constant fear of deportation that destroys social cohesion, throws children into poverty, and causes psychological trauma.

**Immigration Policy Center, 2008**

(Immigration Enforcement and Its Unintended Consequences, Mon, Mar 31, 2008, <http://www.immigrationpolicy.org/just-facts/immigration-enforcement-and-its-unintended-consequences>)

The number of very young children affected by worksite raids is alarmingly high. **On average, the number of children affected by worksite raids is about half the number of adults arrested.** Over 900 adults were arrested in the three study sites, and the parents among them collectively had just over 500 children. A large majority of the children affected are U.S. citizens. Nationwide, there are approximately five million U.S.-citizen children with at least one undocumented parent, and policies that target their parents have grave effects on the children. The children included in the report were very young. **In two of the sites, approximately 80 percent were ages ten and younger. In one site, more than half were ages five and younger.** The raids resulted in immediate needs for childcare and basic services. **Many arrested parents were unable to arrange for alternative childcare** because they had limited ability to communicate with family members. Some were not able to make phone calls, some were held in detention centers far from their homes, and others signed voluntary departure papers and left the country before they could contact lawyers or caregivers. Informal family and community networks took on significant caregiving responsibilities and economic support of children. **Many families faced severe economic instability as their incomes plunged following the arrest of working adults.** In all three sites, school districts played an important role in ensuring that children were not dropped off to empty homes or left at school overnight. However, some **children were left without adult supervision, and others were taken into foster care.** The raids had a long-term economic and psychological impact on families. Many **families continued to experience significant economic hardship and psychological stress because of the arrests and separations, as well as from the uncertainty of knowing if or when an arrested parent would be released.** Following the arrest of a parent, **children often** experience feelings of abandonment and **show symptoms of emotional trauma, psychological duress,** and mental health problems. However, **due to** cultural reasons and **fear of the negative consequences of asking for assistance, very few affected families seek mental health care.**

## 1AC (5/9)

**2. Immigration surveillance causes a laundry list of impacts including racial discrimination, the worsening of crime and public safety, sexual assault, and thousands of deaths**

**The Human Rights Immigrant Community Action Network**, An initiative of the National Network for Immigrant and Refugee Rights (NIRR), **2010**

(Injustice for All: The Rise of the U.S. Immigration Policing Regime, The National Network for Immigrant and Refugee Rights (NNIRR) works to defend and expand the rights of all immigrants and refugees, regardless of immigration status, <http://www.racialequitytools.org/resourcefiles/nnir.pdf>)

**Police collusion with ICE undermines community safety. Residents will not report crimes and fires if they fear detection and deportation. Women are less likely to report domestic violence** if they or their partners have immigration status. Batterers are also more likely to threaten their partners with turning them over to ICE to stop them from reporting an abusive relationship. s Equally troubling, local law enforcement is not trained in immigration law and requires substantial amounts of time and money to reach a satisfactory level of expertise. As a result, **local police departments, already strapped on resources and manpower, cut back other vital community services, affecting community safety; and police cooperation with ICE encourages racial profiling, already illegal, resulting in civil rights violations and abuses against immigrant and refugee communities.** Even where police departments have worked to end racial profiling, such collaboration undermines the credibility of police departments to effectively serve all communities. In some states and localities, local police and sheriffs can ask individuals for proof of their immigration status—and turn them over to DHS officials—simply based on their perceived status as undocumented immigrants.<sup>xiii</sup> These practices have fueled racial profiling and other forms of discrimination.<sup>xiv</sup> The Western North Carolina 100 Stories Project reports specific cases where local and county police deliberately used transit stops to arrest a Latino driver to turn over to ICE; see their report on page 16. **Immigration laws and policing have created an anti-immigrant atmosphere in which** some county hospitals, schools, and other public agencies as well as **private citizens**, including landlords, employers, and even border vigilantes, **have been emboldened to take the “law” into their own hands—attempting to detect, report, and even detain undocumented immigrants in their communities.**

## 1AC (6/9)

## 3. Protecting human rights is a moral obligation that outweighs all other concerns.

**Burggraeve**, Emeritus Professor at KU Leuven, 2005

(Roger, 1/1/2005 "The Good and Its Shadow: The View of Levinas on Human Rights as the Surpassing of Political Rationality", Human Rights Review Vol. 6, Issue 2, pp. 80-101)

And **human rights** fulfill this defense in different ways, in the sense that they both **surpass as well as correct and supplement every social, economic, juridical, and political system**. The one who thinks and acts from the basis of human rights--e.g., standing up for and committing oneself to the fights of certain minorities or forgotten people--then does more in terms of humanization than what the sociopolitical structures can achieve. This is so because these structures can never take to heart completely the singular realization of the rights of the unique other. In our ever more international and structurally constructed societal bonds, they precisely make it possible to orientate separately every responsible person towards the necessary surplus of the good for each and every other. In one of his three articles, which Levinas dedicated entirely to human rights, 4 he expressed the bond between the uniqueness of the other and human rights in a radical and challenging manner (HS 176-78). **Human rights**, which in no way whatsoever must be attributed from without **because they are experienced as a priori and therefore as irrevocable and inalienable, express the alterity or absoluteness of every human being** (AT 151). **Every** reference is annulled by human rights since it is acknowledged that every **individual person possesses those rights: they are inherent to their being-human as persons**. In this regard, human rights wrench every human person away from the determining order of nature and the social body, to which everyone indeed obviously belongs. Herein lies, according to Levinas, a remarkable paradox. Thanks to the belongingness of every person to the human kind --humanity--**every person possesses an incomparable alterity and uniqueness**, whereby everyone likewise transcends the generalness of the human kind. The belongingness of every person to the human kind does not mean a reduction to a neutral unity, but a presentation as a unique person, who by means of that fact itself actually destroys humanity as an abstract idea. Every person is unique in his or her genre. Every person is a person like every other person and yet utterly unique and irreducible: a radically separate other. Humanity exists only by grace of irreducible beings, who are for each other utterly unique and non-exchangeable others. Levinas also calls it the absolute identity of the person (HS 176). It is about a uniqueness that surpasses every individuality of the many individuals in their kind. The uniqueness or dignity of every individual person does not depend on one or the other specific and distinctive difference. It is about **an "unconditional" uniqueness, in the sense that** the dignity of the person--over every individual person--is not determined by their sex, color of skin, place of birth, moment of their existence, nor by the possession of certain qualities and capacities. **Every person possesses dignity that is to be utterly respected, independent of whichever property or characteristic**. It is about a uniqueness that precedes every difference, namely understanding a radical alterity as an irreducible and Burggraeve 93 inalienable alterity, whereby a person can precisely say "I." This leads Levinas to state that human rights reveal the uniqueness or the absoluteness of the human person, in spite of their belongingness to the human kind or rather thanks to this belongingness.

**1AC (7/9)**

**This, my partner and I present the following plan:**

**The United States federal government should substantially curtail its domestic surveillance by ending its surveillance of undocumented immigrants intended for deportation.**

## 1AC (8/9)

## Contention Four is Solvency:

**1. Ending immigration surveillance solves for this new trend in inhumane immigration enforcement by ending the surveillance process that makes deportations possible.**

**Kalhan**, Associate Professor of Law, **Drexel University, 2014**  
(IMMIGRATION SURVEILLANCE, 74 Md. L. Rev. 1 (2014),  
<http://digitalcommons.law.umaryland.edu/mlr/vol74/iss1/2>)

These **four sets of migration and mobility surveillance functions— identification, screening and authorization, mobility tracking and control, and information sharing—play crucial** but underappreciated **roles in immigration control** processes across the entire spectrum of migration and travel. In the growing number of contexts in which immigration control activities now take place, **enforcement actors engage in extensive collection**, storage, analysis, and dissemination **of personal information, in order to identify individuals**, screen them and authorize their activities, enable monitoring and control over their travel, **and share information with other actors who bear immigration control responsibilities**. Initially deployed for traditional immigration enforcement purposes, and expanded largely in the name of security, these surveillance technologies and processes are qualitatively remaking the nature of immigration governance, as a number of examples illustrate. 1. Border Control Despite implementation challenges, **Congress and DHS have placed new surveillance technologies at the heart of border control** strategies.

**2. Ceasing surveillance for the purpose of deportation makes our immigration system fair and reduces strain on our legal system.**

**Fitz and Wolgin**, Center for American Progress, **2014**  
(Marshall is the Director of Immigration Policy at the Center for American Progress. Philip E. is Senior Policy Analyst for Immigration <https://www.americanprogress.org/issues/immigration/news/2014/11/18/101098/enforcement-overdrive-has-overloaded-the-immigration-courts/>)

**But simply increasing resources will not solve the overarching problem of roughly 200,000 immigrants needing to appear before the courts each year in the first place. It is past time to reduce the volume of deportation actions.** President Barack Obama's expected executive action on immigration will hopefully begin that process by ensuring that low-priority immigrants who have been living in the country for years can get deferred action—a temporary reprieve from deportation. **The executive action should also focus enforcement resources on tracking down and removing serious criminals, rather than on putting otherwise-law-abiding immigrants into the overburdened deportation system. By** resourcing the courts commensurate with their inflated caseloads and **curtailing the number of people put into the system in the first place, the nation can work toward a more functional immigration court system.**

## 1AC (9/9)

**3. Suspending surveillance for deportation can immediately halt human rights abuses and bring security to millions of immigrants.****The Human Rights Immigrant Community Action Network, 2010**

(Injustice for All: The Rise of the U.S. Immigration Policing Regime, The National Network for Immigrant and Refugee Rights (NNIRR) works to defend and expand the rights of all immigrants and refugees, regardless of immigration status, <http://www.racialequitytools.org/resourcefiles/nnir.pdf>)

RECOMMENDATIONS Injustice for All urges the U.S. government to undertake a major shift in immigration policies and address the patterns of human and civil rights violations. **The U.S. must provide access to the adjustment of immigration status,** a process long held at bay by a lack of political will and action at the federal level. **Without such a shift, millions of men, women and children residing in this country will continue to face lives of fear, uncertainty and economic insecurity.** There are significant steps that **the Obama Administration can authorize,** including: The restoration of due process rights and other Constitutional protections, including access to the courts; **The suspension of detentions and deportations,** other ICE enforcement operations and high profile raids; a high-level investigation and hearings with impacted communities; **An end to the policy and practice of jailing persons solely for immigration status offenses,** except in cases where there is a high risk to public safety; The prohibition of ICE and local, county, state and federal law enforcement from using all forms of racial, ethnic/nationality and religious profiling; A thorough investigation of complaints of abuses in public and private corporate immigrant detention centers and jails; a moratorium on the expansion of detention centers and privately run prisons; An end to all inter-agency and immigration-police collaboration programs; Prohibition of local, county, and state governments from legislating immigration enforcement, such as Arizona's SB1070; The roll back and end to the militarization of immigration control and border communities; end Operation Stonegarden and Operation Streamline. iv Finally, disturbed by the lack of congressional action to enact fair immigration policies, and on our elected officials in the House and Senate to: Hold field hearings with members of interior and border communities to document the impacts and abuses caused by U.S. immigration policing and border security policies, measures and practices; Repeal employer sanctions and stop all E-Verify programs; protect and expand the labor rights of all workers, native and foreign-born; and increase Department of Labor inspectors; Repeal the 287(g) and "Secure Communities" initiatives; Provide and expand options to legal migration, including access to legal permanent residency and citizenship; Institute routine programs, including legalization, to adjust the immigration status and provide "green cards" to immigrants, to ensure civil and labor rights, keep families together and reinforce healthy communities. **we call upon the Administration and members of Congress: To address the root causes of displacement and involuntary migration, by promoting and implementing fair trade and sustainable community development policies; To help lead a nationwide condemnation of racial intolerance and xenophobia in keeping with our country's legal and moral commitment to equality for all.** We further urge the United States to respect and uphold international human and labor rights standards, including the ratification and implementation of the U.N. International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the U.N. Declaration on the Rights of Indigenous People.



**AT: No Inherency – Decreasing Deportations Now**

[ ]

[ ] **The Obama administration's actions have failed at reducing the deportation of undocumented youth.**

**Merina**, reporter at Southern California Public Radio, **2015**

(Dorian Merina, Despite being given priority, migrant youth still face high rate of deportation in LA's immigration courts, <http://www.scpr.org/programs/take-two/2015/05/14/42823/despite-being-given-priority-migrant-youth-still-f/>)

**Nine months after the Justice Department announced a policy to speed up cases for migrant youth, more than half the juveniles in Los Angeles' immigration courts have nevertheless been ordered deported**, according to data obtained by KPCC. None were granted asylum. **The data**, acquired through a Freedom of Information Act request from the Department of Justice, **also show that more than half of the migrant youth faced a judge without an attorney – the single most important factor in determining the outcome, according to a 2014 study** by Syracuse University's Transactional Records Access Clearinghouse. The FOIA data are from July 18, 2014, through April 20, 2015, and cover 471 completed unaccompanied minor cases in the Los Angeles jurisdiction. **All of the children were processed through a priority docket, a designation that the Justice Department made in 2014 in response to the surge of child migrants. Of those cases in L.A., 287 juveniles were ordered removed.** Nationwide, unaccompanied minors rose to 68,541 in fiscal year 2014, prompting a debate over the workings of a complex and overwhelmed immigration court system.

**AT: No Inherency – ICE Re-prioritizing Deportations Now**

[ ]

[ ] ICE has not improved – it continues to deport innocent individuals without a proper hearing.

**American Immigration Council 2014**

(Misplaced Priorities: Most Immigrants Deported by ICE in 2013 Were a Threat to No One, <http://www.immigrationpolicy.org/just-facts/misplaced-priorities-most-immigrants-deported-ice-2013-were-threat-no-one>)

**As ICE’s own statistics make clear, the agency is involved primarily in the apprehension and deportation of people who have committed immigration violations and minor crimes—not terrorist operatives or violent criminals.** But recognizing this is only the first step in understanding the way ICE functions. The next step is to examine how ICE carries out deportations. For instance, in FY 2013, 101,000 (or **27 percent**) **of the people whom ICE deported were summarily removed from the country via an “order of expedited removal,”** and 159,624 (43 percent) were removed through a “reinstated final order of removal,” **neither of which generally affords the deportee a hearing in court.** In other words, **seven out of every ten deportees in FY 2013 never had the opportunity to plead their cases before an immigration judge. Not only is ICE deporting people who aren’t a threat, but it’s deporting many of them in ways that don’t respect the full range of legal rights** which form the basis of the U.S. criminal justice system.

**AT: Illegal Immigration Hurts the Economy – Domestic Competition**

[ ]

[ ] Immigrants create new jobs for domestic workers by creating businesses and spending money in the economy.

**Service Employees International Union 2015**

("They take our jobs" -- Debunking Immigration Myths, <http://www.seiu.org/a/immigration/they-take-our-jobs-debunking-immigration-myths.php>)

"They take our jobs" -- Debunking Immigration Myths MYTH #1 "Immigrants take our jobs" THE FACTS: **The largest wave of immigration to the U.S. since the early 1900s coincided with our lowest national unemployment rate and fastest economic growth. Immigrants create new jobs by forming new businesses, buying homes, spending their incomes on American goods and services, paying taxes and raising the productivity of U.S. businesses.<sup>1</sup> In fact, between 1990 and 2004, roughly 9 out of 10 native-born workers with at least a high school diploma experienced wage gains because of increased immigration.<sup>2</sup>** A legal flow of immigrants based on workforce demand strengthens the U.S. economy by keeping productivity high and countering negative impacts as the U.S. aging population swells. Of the twenty occupations that will see the largest growth in the next seven years, twelve of them only require on-the-job-training--including jobs in SEIU's core industries like home care, cleaning/janitorial services, child care, and hospitality services.<sup>3</sup> But as native-born workers seek higher education and move up the occupational ladder, the number of native-born workers seeking employment in these industries has shrunk. **The problem with today's economy is not immigrants; the problem is our broken immigration laws that allow big business to exploit workers who lack legal status, driving down wages for all workers. If every immigrant were required to get into the system, pay their dues, and become U.S. citizens, we could block big business' upper hand, eliminate the two-tiered workforce, and build a united labor movement that raises wages and living standards for all workers.**

**AT: Illegal Immigration Hurts the Economy – Taxes**

[ ] Immigrants pay taxes, boost the U.S gross domestic product and reduce the debt.

**Fitz, Wolgin, and Oakford**, Center for American Progress, 2013

(Marshall Fitz, Philip E. Wolgin, and Patrick Oakford, Immigrants Are Makers, Not Takers, [americanprogress.org/issues/immigration/news/2013/02/08/52377/immigrants-are-makers-not-takers/](http://americanprogress.org/issues/immigration/news/2013/02/08/52377/immigrants-are-makers-not-takers/))

**Immigrants are a net positive to the economy** Here are just a few examples of how immigrants pay more into the U.S. economy than they take out. Large GDP gains and tax revenue from legalization Research by UCLA Professor Raúl Hinojosa-Ojeda shows that **legalizing our nation's undocumented immigrant population and reforming our legal immigration system would add a cumulative \$1.5 trillion to U.S. GDP over a decade.** These big gains occur because legalized workers earn higher wages than undocumented workers, and they use those wages to buy things such as houses, cars, phones, and clothing. **As more money flows through the U.S. economy, businesses grow to meet the demand for more goods and services, and more jobs and economic value are created.** Hinojosa-Ojeda found that **the tax benefits alone from legalization would be between \$4.5 billion and \$5.4 billion in the first three years.** Big economic boost from the DREAM Act Research by Notre Dame economists Juan Carlos Guzmán and Raúl Jara finds that passing the DREAM Act would add \$329 billion to the U.S. economy by 2030. The DREAM Act provides a double boost to the economy: First, DREAMers will be able to work legally (generally at higher wages), and second, because of the requirements to complete high school and some college or military service, they will have more education and training, which translates into better and higher-paying jobs. All of these extra wages circulate through the economy, supporting new job creation for the native born as well. Naturalized citizens earn even more A large body of literature illustrates that naturalized citizens are more economically beneficial than even legal permanent residents. In the United States the University of Southern California's Manuel Pastor estimated that naturalized citizens earn between 8 percent and 11 percent higher wages after naturalization. Pastor concludes that **if even half of those who are currently eligible—the Department of Homeland Security estimates that there are more than 8.5 million people in this category—became citizens, it would add between \$21 billion and \$45 billion to the U.S. economy over five years. Even undocumented immigrants pay taxes** Immigrants—even the undocumented—pay a significant amount of money in taxes each year. **A 2011 study** by the Institute for Taxation and Economic Policy **found that undocumented immigrants paid \$11.2 billion in state and local taxes in 2010 alone,** adding a significant amount of money to help state and local finances. It is important to note that immigrants—even legal immigrants—are barred from most social services, meaning that they pay to support benefits they cannot receive. Immigrants help keep Social Security solvent According to the National Foundation for American Policy, **immigrants will add a net of \$611 billion to the Social Security system over the next 75 years.** Immigrants are a key driver of keeping the Social Security Trust Fund solvent, and Stuart Anderson of the National Foundation for American Policy finds that **cutting off immigration to the country would increase the size of the Social Security deficit by 31 percent over 50 years.**

## AT: Reducing Violations – Federal Oversight

[ ]

[ ] Even with changes to the ICE they have continued to monitor and deport undocumented immigrants at an alarming rate.

**Bernstein, NY Public Defender, 2013**

(Joanna Zuckerman Bernstein, <http://mic.com/articles/22258/immigration-reform-a-record-409-849-deportations-happened-in-2012-a-clear-sign-we-need-change>)

A few administrative changes announced before the New Year also indicate a shift toward reform, although they were met with some skepticism. **Immigration and Customs Enforcement (ICE) said that its “detainer” policy would now focus on undocumented people with prior criminal convictions.** An immigration detainer mandates that local law enforcement hold an undocumented immigrant in custody until ICE decides whether to begin deportation proceedings. Advocates have long considered this program deeply flawed, as it can result in deportation — and the separation of families — for such low-level offenses as a traffic violation. ICE also announced that it would be greatly reducing the 287(g) program, which authorized local police to question people about their immigration status. **While the changes were welcomed by advocates, their excitement was tempered by ICE’s release — on the same day — of startling figures on deportations in 2012. Last year, 409,849 people were deported — a new record. Moreover, advocates recognize that these changes won’t necessarily mean less enforcement: for example, by reducing the 287(g) program, ICE will simply be concentrating more on immigration enforcement in local jails.** (In fact, a report by the Migration Policy Institute released this week found that **the U.S. government spends more on immigration enforcement agencies than on the other main criminal law enforcement agencies — including the FBI and the DEA — combined.**)

## AT: Reducing Violations – Medical Care

[ ]

[ ] **Despite reforms, current U.S immigration deportation and surveillance policies still commit thousands of human rights abuses every year.**

**Constable**, reporter for The Washington Post, **2014**

(Pamela Constable, Human Rights Watch, in report on world abuses, criticizes U.S. immigration laws, [http://www.washingtonpost.com/local/human-rights-watch-in-report-on-world-abuses-criticizes-us-immigration-laws/2014/01/23/95c3ec6a-8459-11e3-9dd4-e7278db80d86\\_story.html](http://www.washingtonpost.com/local/human-rights-watch-in-report-on-world-abuses-criticizes-us-immigration-laws/2014/01/23/95c3ec6a-8459-11e3-9dd4-e7278db80d86_story.html))

Ginatta: We see the intersection between human rights and immigration policy to be varied and vast. **The status quo on immigration breeds human rights violation** in so many circles. First we highlight the importance of family unity. In the world of human rights, **family is seen as the natural and fundamental group that deserves protection, but [U.S.] immigration policy doesn't focus on family unity in the same respect. Immigration judges are not allowed to consider family unity to the extent we think is needed to protect human rights.** In the case of a very minor or very old criminal conviction, family ties don't matter. Even if someone has close U.S. citizen family members, the removal still takes priority. **We have documented situations where people who have been outstanding members of society, with multiple U.S. citizen children, and who have lived here for decades, still get deported.** WP: What other kinds of immigration policies or practices would you say fall into the category of human rights problems? Ginatta: One area is violations in the workplace. **Workers are incredibly vulnerable to exploitation because of their immigration status.** People working in dangerous industries may be afraid to report serious workplace violations or women, such as farm workers, may be afraid to report sexual assaults, for fear they will be reported to immigration authorities and deported. There is also the right to remedy. This is a key human rights principle. **You should have the right to access law enforcement, and policies that create a fear or block between a person who witnesses a crime or is a victim of a crime and the police are human rights violations.** We have documented many situations where people are afraid to contact the police because they fear a contact about a crime will become an inquiry into their immigration status. WP: Do you see the deportation of illegal immigrants as a human rights abuse? We are very worried about the growth of criminal prosecutions of illegal entrants into the U.S.. This is a federal crime and now people who are trying to come into the U.S. to be reunited with their families are facing federal prison time. **These prosecutions have spiked to almost 100,000 a year.** They are changing the population within federal prisons. **Immigration is becoming the most prosecuted federal crime, and Latinos are becoming the number one ethnic group inside federal prisons because of this.**

**AT: Security Should be Prioritized Over Rights**

[ ]

[ ] **Cost/benefit logic justifies moral atrocities – only prioritizing human rights protects people from those moral horrors.**

**Byron**, Philosophy Professor at Kent State University, **2009**

(Etica & Politica / Ethics & Politics, XI, 2009, 1, pp. 470-494 Human Rights: A Modest Proposal, Michael Byron Kent State University, [http://www2.units.it/etica/2009\\_1/BYRON.pdf](http://www2.units.it/etica/2009_1/BYRON.pdf))

**Human rights** have become an enormously useful tool in the last century, and this for a variety of reasons. Rights **remain a moral bulwark against an overzealous utilitarianism: where the many would sacrifice the one, rights give reason to protect the one.** The logic of cost and benefit is siren song to bureaucrats and administrators, promising an overly easy commensuration of conflicting values, lives, and choices. **Rights talk can prevent grave moral harms from being swept under the rug of the ‘costs’ of some favored policy.** In their political conception, human rights help us understand and normalize legitimate relations between nation states and their citizens. **The language and logic of ‘collateral damage’** — a polite term for the allegedly unintended destruction and murder that would pass for a side effect of modern military actions **— threatens to undermine a respect for persons,** hiding them in blighted post-traumatic landscapes. **Rights talk helps us identify such violations.** The growing literature on human rights serves also as a guide to international relations, the cultivation of treaties, and the rhetoric of diplomacy. Concern grows worldwide about the effects of pollution, child labor, and related harms to people and their environments, in both developed and developing nations. Rights talk can be a useful propaedeutic to the resolution of such disputes.

**AT: No Solvency – Inefficient Systems**

[ ]

[ ] **The federal government mandate to monitor and detain undocumented immigrants is the root cause of our immigration system's inefficiencies.**

**Robbins, reporter at NPR, 2013**

(Ted Robbins, Little-Known Immigration Mandate Keeps Detention Beds Full, <http://www.npr.org/2013/11/19/245968601/little-known-immigration-mandate-keeps-detention-beds-full>)

**Imagine your city council telling the police department how many people it had to keep in jail each night. That's effectively what Congress has told U.S. Immigration and Customs Enforcement** with a policy known as the "detention bed mandate." The mandate calls for filling 34,000 beds in some 250 facilities across the country, per day, with immigrant detainees. When NPR visited the Department of Homeland Security's detention center in Florence, Ariz., hundreds of men — nearly all from Latin America — were lining up for lunch. They were caught by the Border Patrol or, if apprehended away from the border, by local police and Immigration and Customs Enforcement. **People can stay behind the razor-wire fences for days, weeks or years.** NPR was not allowed to talk with anyone in the detention center, but Francisco Rincon, who was recently released from Florence on bond, says he was in the facility for three weeks. **Every day he was in detention cost taxpayers at least \$120. Add up all the nation's detention centers and that's more than \$2 billion a year. The detention bed mandate**, which began in 2009, **is just part of the massive increase in enforcement-only immigration policies over the last two decades.** The last time Congress passed a broad immigration law dealing with something other than enforcement — such as overhauling visa or guest worker policies — was 1986.



**AT: No Solvency – States Will Continue to Exclude**

[ ]

[ ] **Even if states have the right to deport, there is no moral justification for the violent means by which mass deportations are carried out.**

**Velasquez, The Elie Wiesel Foundation for Humanity, 2014**

(Jean-Claude Velasquez, The Elie Wiesel Foundation for Humanity Honorable Mention Recipient, *The Invisible & Voiceless: The Plight of the Undocumented Immigrant in America*, <http://business-ethics.com/2014/09/30/1944-the-invisible-voiceless-the-plight-of-the-undocumented-immigrant-in-america/>)

**Mass deportation** of undocumented immigrants **only instills terror in the immigrant community** and it is an expensive, impractical, and inefficient policy. Nevertheless, numerous politicians advocate for such sweeping exclusionary measures. Deportation should only be limited to serious criminal offenders; hardworking individuals must not be subjected to such harsh consequences for merely pursuing a better life for themselves and for their children. **As a nation of justice and fairness, what do we have to say to the millions of children who have to worry every day about the fact that their parents might not come home?** And what do we have to say to the parents who face the prospect of being torn from their children? As long as the United States is a free and prosperous nation, immigrants will venture to pursue the American Dream, even if the cost is political non-existence or, as Jorge Ramos says, “they become invisibles” for the sake of a better life. A sweeping study conducted by The Center for American Progress revealed compelling evidence of the extraordinary costs of mass deportation. **The cost to apprehend the millions of undocumented will require Gestapo-style raids at workplaces and homes ultimately costing \$158 billion** [8]. Housing these undocumented at detention centers will cost \$29 billion and an extra \$7 billion will be accrued through legal proceeding costs [9]. The transportation cost of all the undocumented to their native country has a price tag of \$6 billion [10]. Furthermore, the cost of continuing-enforcement over a five-year period will be over \$85 billion [11]. In other words, the “total cost over five years: \$285 billion, would mean new taxes of \$922 for every man, woman, and child in our country.”[12] These calculations were conducted for the fiscal year of 2008; therefore, the present day cost will be significantly higher due to inflation. The monetary costs of mass deportation are mind boggling, but what should strike concern in the heart of the citizen is how his or her tax dollars will be used: the persecution of every undocumented child, woman, and man, rallied up like cattle to ultimately meet their fate of deportation. **The world would watch in awe as the greatest exemplar of freedom treats a portion of her population as some kind of unwanted pest and as human rights violations occur.** The most terrifying aspect of mass deportation is the modus operandi: imagine immigration officers armed to the teeth raiding meat packing factories, homes of the wealthy, and farms, all common workplaces for the undocumented. The butcher, nanny, and grape picker would be punished for the sole reason of working and being in the country illegally.

## AT: Turn – Increased Smuggling

[ ]

[ ] The root cause of the smuggling crisis is poverty and gang violence, and continuing to deport people will do nothing to solve it.

**Hing**, reporter for Colorlines, 2014

(Julianne Hing, Three Myths of the Unaccompanied Minors Crisis, Debunked, colorlines.com/articles/three-myths-unaccompanied-minors-crisis-debunked)

However, **humanitarian groups** like the United States Conference of Catholic Bishops and the Women's Refugee Commission **have noted the jump in unaccompanied minor border crossings since late 2011** (PDF), **long before Obama announced DACA in June of 2012**. What's more, in interviews with hundreds of detained youth, **multiple agencies and researchers have found that the vast majority have no idea about the existence of DACA, let alone the notion that they might take advantage of it for themselves**. Some have also theorized that smugglers are advertising DACA or the Trafficking Victims Protection Reauthorization Act (TVPR), a Bush-era law which allows unaccompanied minors to be released into the custody of family or a sponsor while they await a deportation hearing in front of a judge, as the U.S. laying out the welcome mat for migrant children. In a House Homeland Security Committee hearing last week, Department of Homeland Security Secretary Jeh Johnson gave credence to the theory that the influx is due in part to migrants swayed by **smugglers' false "promises" of a free pass once they arrive in the U.S. Smugglers may be using the falsehood to drum up business for themselves**, says Michelle Brané, the director of the Women's Refugee Commission's Migrant Rights and Justice program, but **endemic gang violence and abject poverty are the decisive motivating factors creating the demand for their services**. **"People decide to leave first, and then they look for a way to leave."** says Brané. **"Just because [migrants] think the U.S. is nicer than we actually are doesn't mean that they don't need protection and don't qualify for protection,"** says Brané.

## AT: Turn – Violent Militias

[ ]

[ ] **The biggest reason why violent militias increased was the recession, not immigration.**

**Bennet, Meredith** Professor of History at the Maxwell School, Syracuse University, **2010**  
(David H. Bennett, When Government Became the Enemy,  
[http://roomfordebate.blogs.nytimes.com/2010/03/30/the-new-militias-vs-government/?\\_r=0](http://roomfordebate.blogs.nytimes.com/2010/03/30/the-new-militias-vs-government/?_r=0))

**In the 1990s, with the decline of nativism and the end of the cold war, the traditional scapegoats for right-wing extremists facing difficult times — an unassimilatable horde of “un-American” peoples or a treasonous band of “un-American” ideologists — no longer were available. It was the government itself that became the enemy within. Now, in 2010, with unemployment hovering at 10 percent, with the hollowing out of America’s manufacturing base not only eliminating millions of blue-collar jobs but creating anxiety about national decline, should it be surprising that a new Democratic administration in Washington (led by an African-American president) — calling for federal action on health care, the environment, energy and other matters — would stimulate the re-emergence of right-wing fringe groups? Unable to deal with the complex reasons for the economic collapse, certain that sinister forces are at work in Washington undermining American power and selling out the nation to international enemies, the revived militia movements look much like those that came before.**

[ ] **An improved economy and crackdown by law enforcement has substantially reduced the number of militias**

**Southern Poverty Law Center 2014**

(SPLC Report: Far-right extremist groups decline but remain at near-record levels,  
<http://www.splcenter.org/get-informed/news/splc-report-far-right-extremist-groups-decline-but-remain-at-near-record-levels>)

**The SPLC found that the number of hate groups dropped by 7 percent** – from 1,007 in 2012 to 939 in 2013. Hate groups reached a peak in 2011 with 1,018 groups. **The more significant decline came within the antigovernment “Patriot” movement, composed of armed militias,** “sovereign citizens,” and other conspiracy-minded organizations that see the federal government as their enemy. **These groups fell 19 percent – from 1,360 groups in 2012** (an all-time high) to 1,096 in 2013. The decline followed an unprecedented rise that began in 2008, the year President Obama was elected, when a mere 149 Patriot groups were operating.

**The president’s 2012 re-election – unexpected by many on the right – appears to have drained energy from the movement. Other factors that apparently are contributing to the decline are an improving economy, crackdowns by law enforcement,** and the adoption of far-right issues by mainstream politicians.

# **Immigration Surveillance Negative**

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## **Summary**

The Negative position has some options when it comes to attack the Affirmative case.

First, the Negative can argue that the current problems are already being solved. The Obama Administration has made it a priority to improve the deportation process so that it is fair and efficient. New guidelines issued by the federal government call for immigration enforcement agencies to target individuals who have been convicted of violent crimes and to reduce the amount of non-criminal individuals being deported. In particular, the administration has indicated it hopes to keep families together and reduce the amount of parents being taken away from their children.

Second, the Negative can argue that unlawful immigration can be detrimental to the economy. Undocumented immigrants can burden our social service system by using public goods like healthcare or food supplements. In addition, corporations take advantage of undocumented immigrants by exploiting them for cheap wages. Not only are they exploited but individuals who are citizens can no longer afford to work in those industries because companies will just choose to hire workers who they can pay less.

Third, the Negative can address the human rights issue by analyzing the improvements happening in the system now. Much of the criticism of U.S deportation policy has been that the detention centers we use to hold immigrants violate human rights. The ICE has been working to solve these concerns by providing proper medical care and establishing more stringent federal oversight. In addition, the Negative can compare how we should evaluate human rights compared to security for the U.S.

Lastly, the Negative can simply argue that the plan doesn't actually solve the harms it lists. Ending surveillance alone won't address anti-immigrant policies that states have adopted and will make the ICE more inefficient by forcing them to do their job without surveillance technology. Some have also argued that lenient immigration policies fuel the immigration crisis because they give smugglers an incentive to send people across the border illegally. Moreover, states have a right to deport immigrants and curtailing surveillance could make the immigration court system worse and fuel the rise of violent anti-immigrant militias.

## Glossary (1/2)

**Alterity:** the state of being other or different; otherness.

**Arizona v. United States:** a legal case brought to the Supreme Court of the United States that dealt with whether the State of Arizona could make its own immigration law independent of the federal government. On a 5-3 decision the court found that Arizona could not make it a crime to be in Arizona without legal papers, making it a crime to apply for or get a job in the state, or allowing police to arrest individuals who had committed crimes that could lead to their deportation because those laws infringed upon the federal government's authority in immigration law.

**Attendant:** occurring with or as a result of; accompanying.

**Border Patrol:** is the agency in charge of watching and monitoring the border in order to prevent people from entering the United States illegally.

**Civil Rights:** the rights of citizens to political and social freedom and equality.

**Consular Consolidated Database (CCD):** is a database used by U.S consular officials that records data from visa applications such as photographs and demographic information of applicants.

**Dataveillance:** Surveillance of someone's personal data.

**Department of Homeland Security (DHS):** Is an agency of the United States federal government that was formed in 2002 from the combination of 22 departments and agencies. The agency is charge of various task related to making the United States homeland safe including customs, border, and immigration enforcement; emergency response to natural and manmade disasters; antiterrorism work; and cybersecurity.

**Duress:** describes a range of symptoms and experiences of a person's internal life that are commonly held to be troubling, confusing or out of the ordinary.

**Federal expenditures:** spending by the federal government.

**Human Rights:** a right that is believed to belong justifiably to every person.

**Immigrants Detention Center:** is a facility used by the federal government to house undocumented immigrants who have been detained and subject to deportation.

**Non-governmental organizations (NGO):** an organization that is not a part of the government. For example, Doctors Without Borders is an NGO.

**Nonjusticiable:** If a case is "nonjusticiable," a federal court cannot hear it. The justice of the court of does not have the ability to make a decision on the matter at hand.

## Glossary (2/2)

**Secure Communities Program:** is a program of the U.S Immigration and Customs Enforcement (ICE) that uses information shared between the ICE, the Federal Bureau of Investigation (FBI), and local law enforcement agencies to find whether individuals who have a criminal record have also violated immigration law by entering the United States illegally.

**Undocumented Immigrant:** refers to a foreign nationals residing in the U.S. without legal immigration status. It includes persons who entered the U.S. without inspection and proper permission from the U.S. government, and those who entered with a legal visa that is no longer valid. Undocumented immigrants are also known as unauthorized or illegal immigrants.

**U.S Immigration and Customs Enforcement (ICE):** is an agency within the Department of Homeland security that enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety.

**U.S. Citizenship and Immigration Services (U.S.C.I.S.):** The U.S. Citizenship and Immigration Services is responsible for processing immigration and naturalization applications and establishing policies regarding immigration services.

**U.S. Customs and Border Protection (C.B.P.):** Customs and Border Protection prevents people from entering the country illegally, or bringing anything harmful or illegal into the United States.



**No Inherency – Decreasing Deportations Now**

[ ]

[ ] The federal government is decreasing deportations now by only focusing on deporting individual's convicted of a crime.

**Washington Post, 2014**

(Obama announces immigration overhaul shielding 4 million from deportation, [http://www.washingtonpost.com/politics/obama-immigration-plan-will-shield-37-million-from-deportation/2014/11/20/3345d672-70dd-11e4-893f-86bd390a3340\\_story.html](http://www.washingtonpost.com/politics/obama-immigration-plan-will-shield-37-million-from-deportation/2014/11/20/3345d672-70dd-11e4-893f-86bd390a3340_story.html))

President Obama sought to convince the American public Thursday that his plans to unilaterally change immigration laws were well within the precedent set by previous administrations and did not amount to an amnesty program for illegal immigrants. In a prime-time address from the White House, **Obama argued that a mass deportation** of the nation's more than 11 million undocumented immigrants **"would be both impossible and contrary to our character."** Rather, the president said, **the measures he is enacting to defer the deportations of 4 million immigrants while simultaneously refocusing federal border control agents on the highest-priority cases, such as felons, gang members and recent border-crossers, are aimed at "actual threats to our security."** **"Felons, not families,"** Obama said of who would be in line for deportations. "Criminals, not children. Gang members, not a mom who's working hard to provide for her kids." **Under Obama's plan, the undocumented parents of U.S. citizens and legal permanent residents who have lived in the country for at least five years can apply, starting this spring, for relief from deportations for a period of three years. About 3.7 million immigrants are expected to qualify under the new guidelines. The president also is expanding a 2012 program that has provided administrative relief to nearly 600,000 young people brought to the country illegally as children. Officials said that expansion, which will remove an age cap, could reach another 287,000 people.**

## No Inherency – ICE Re-prioritizing Deportations Now

[ ]

[ ] ICE has undergone major changes in order to make sure it prioritizes the deportation of criminals.

**Rosenblum and Kandel**, Congressional Research Service, 2012  
(Interior Immigration Enforcement: Programs Targeting Criminal Aliens,  
fas.org/sgp/crs/homesecc/R42057.pdf)

**ICE also announced three major changes to** the §287(g) program (in July 2009) and Secure Communities (in June 2011) designed **to address** each of the **specific concerns** raised above.<sup>146</sup> **First, ICE has taken steps to impose agency-wide enforcement priorities** on the §287(g) program and Secure Communities. The 2009 MOAs established a uniform three-level enforcement priority system for the §287(g) program, which was then superseded by the 2011 agency- and department- wide memos and letter (see “DHS Enforcement Priorities and Discretion”). **The 2011 guidance memos clarify ICE agents’ ability to exercise discretion throughout the immigration enforcement process,** and ICE specifically linked the memos to Secure Communities by releasing them in the context of the other June 2011 reforms to that program.<sup>147</sup> **The reforms also included the creation of a Homeland Security Advisory Council Task Force on Secure Communities composed of law enforcement professionals, ICE agents, and community and immigrant advocates. The task force’s goal was to recommend how to focus the program on high-priority offenders and ensure discretion in Secure Communities jurisdictions,** among other issues.<sup>148</sup> The task force issued a report with findings and recommendations in September 2011, and ICE published a formal response to the task force in April 2012.<sup>149</sup> **Second, ICE has developed new record-keeping requirements and other tools to attempt to guard against pretextual arrests and racial profiling.** ICE’s ENFORCE tracking system has been modified to track data on the circumstances leading to aliens’ arrests, information which may improve oversight of ICE’s partnership programs. ICE and CRCL have reportedly developed new statistical data to be collected on a quarterly basis to evaluate whether Secure Communities is being implemented in a biased way or otherwise resulting in racial profiling.<sup>150</sup> The new §287(g) MOA also seeks to prevent pretextual arrests **by requiring agencies to pursue all charges for which aliens are initially arrested.** Nonetheless, media reports indicate that statistical monitoring of the Secure Communities program had been delayed as of November 2012, and that ICE may not be able to implement the statistical monitoring that had been announced in response to the Secure Communities task force recommendation.<sup>151</sup> **Third, ICE and CRCL also have developed new materials and procedures to further reduce the risk of racial profiling and misuse of these enforcement programs.**<sup>152</sup> **New training materials target ICE agents as well as local law enforcement agents involved in these programs.** ICE and CRCL have also developed new immigration detainer forms clarifying that **individuals should not be detained for more than 48 hours and that law enforcement agencies must provide detainees with information about how to file a complaint if they believe their civil rights have been violated.**

**Illegal Immigration Hurts the Economy – Domestic Competition**

[ ]

[ ] Immigration hurts the economy by increasing competition amongst workers leading them to be paid less over time.

**Lowenstein**, report for the NY Times, **2006**

(ROGER LOWENSTEIN, The Immigration Equation,

[http://www.nytimes.com/2006/07/09/magazine/09IMM.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2006/07/09/magazine/09IMM.html?pagewanted=all&_r=0))

**Using a computer, Borjas measured the slope: it suggested that wages fell by 3 to 4 percent for each 10 percent increase in the share of immigrants.** With this graph, Borjas could calculate that, **during the 80's and 90's, for instance, immigrants caused dropouts to suffer a 5 percent decline relative to college graduates. In a paper published in 2003, "The Labor Demand Curve Is Downward Sloping," Borjas termed the results "negative and significant."** But what about the absolute effect? Assuming businesses did not hire any of the new immigrants, **Borjas's finding would translate to a hefty 9 percent wage loss for the unskilled over those two decades**, and lesser declines for other groups (which also received some immigrants). As we know, however, as the population grows, demand rises and business do hire more workers. When Borjas adjusted for this hiring, **high-school dropouts were still left with a wage loss of 5 percent over those two decades, some \$1,200 a year.** Other groups, however, showed a very slight gain. To many economists as well as lay folk, Borjas's findings confirmed what seemed intuitive all along: add to the supply of labor, and the price goes down.

**Illegal Immigration Hurts the Economy – Minority Workers**

[ ]

**[ ] Illegal immigration leads to lower paying and worse job prospects for African Americans.****Borjas, Grogger, and Hanson, Economica (Academic Journal), 2009**

(GEORGE J. BORJAS, JEFFREY GROGGER and GORDON H. HANSON, Professors at Harvard University, University of Chicago and University of California, San Diego respectively, Economica (2010) 77, 255–282)

This paper extends the literature by examining the relation between immigration and black wages, employment and incarceration. We use data drawn from the 1960–2000 US censuses. The data reveal a strong correlation between immigration and black wages, black employment rates and black incarceration rates. **As immigrants disproportionately increased the supply of workers in a particular skill group, we find a reduction in the wage of black workers in that group, a reduction in the employment rate, and a corresponding increase in the incarceration rate.** Our study suggests that **a 10% immigrant-induced increase in the supply of a particular skill group is associated with a reduction in the black wage of 2.5%, a reduction in the black employment rate of 5.9 percentage points, and an increase in the black institutionalization rate of 1.3 percentage points.** Among white men, **the same 10% increase in supply reduces the wage by 3.2%,** but has much weaker employment and incarceration effects: a 2.1-percentage-point reduction in the employment rate and a 0.2-percentage-point increase in the incarceration rate. It seems, **therefore, that black employment and incarceration rates are more sensitive to immigration than those of whites.**

## Illegal Immigration Hurts the Economy – Taxes

[ ]

[ ] Unlawful immigration overstretches the governments resources and harms the economy

**Camarota**, Researcher at the Center for Immigration Studies, **2004**

(Steven A. Camarota, The High Cost of Cheap Labor Illegal Immigration and the Federal Budget, <http://www.cis.org/articles/2004/fiscalexec.html>)

**Households headed by illegal aliens imposed more than \$26.3 billion in costs on the federal government in 2002 and paid only \$16 billion in taxes, creating a net fiscal deficit of almost \$10.4 billion, or \$2,700 per illegal household. Among the largest costs are Medicaid (\$2.5 billion); treatment for the uninsured (\$2.2 billion); food assistance programs such as food stamps, WIC, and free school lunches (\$1.9 billion); the federal prison and court systems (\$1.6 billion); and federal aid to schools (\$1.4 billion).** With nearly two-thirds of illegal aliens lacking a high school degree, **the primary reason they create a fiscal deficit is their low education levels and resulting low incomes and tax payments,** not their legal status or heavy use of most social services.

## Reducing Violations – Federal Oversight

[ ]

[ ] ICE is now subject to federal oversight and this is resolving any human rights concerns

**Kelly**, reporter at the Arizona Republic, **2010**

(Erin Kelly, ICE strives to improve migrant-detainee care, [azcentral.com/arizonarepublic/news/articles/2010/01/26/20100126az-ice.html](http://azcentral.com/arizonarepublic/news/articles/2010/01/26/20100126az-ice.html))

**The head of U.S. immigration enforcement** on Monday **announced** plans for **an overhaul of the government's controversial detention system for people who face deportation. The moves** described by John T. Morton, assistant secretary of Homeland Security for U.S. Immigration and Customs Enforcement, **address oversight, medical care and tracking of detainees at facilities in Arizona and across the country.** Plans include: **Hiring 50 federal employees to oversee the largest detention facilities**, which now are largely run by contractors without much government oversight, Morton said. **Assigning regional case managers to keep tabs on detainees with significant medical problems to ensure they are getting proper care. Detainees with major problems will be housed in facilities near hospitals and medical centers**, Morton said. In June, **launching an online immigrant-detainee locator so family members can easily find their relatives when they are in custody awaiting possible deportation.**

## Reducing Violations – Medical Care

[ ]

[ ] ICE is reforming now by providing proper medical care

**American Civil Liberties Union, 2010**

(Immigration and Customs Enforcement (ICE) Lawsuit Charged Lack Of Medical And Mental Health Care Led To Unnecessary Suffering And Death, <https://www.aclu.org/news/ice-agrees-improve-health-care-provided-immigration-detainees-part-settlement-aclu-lawsuit>)

**Immigration and Customs Enforcement (ICE) officials have agreed to provide immigration detainees with constitutionally adequate levels of medical and mental health** care as part of an agreement to settle an American Civil Liberties Union lawsuit charging that deficient care at the San Diego Correctional Facility (SDCF) caused unnecessary suffering and death. As part of the settlement, **ICE has also agreed to change its policy on medical care that had led to the denial of what ICE deemed to be "non-emergency" care, including heart surgeries and cancer biopsies. "For the first time, ICE has committed to providing all necessary health care to immigration detainees beyond just emergency care,"** said Elizabeth Alexander, former Director of the ACLU National Prison Project and lead counsel on the case. "For too long, ICE's own policies allowed it to provide detainees with nothing beyond a narrow definition of emergency. This settlement is recognition that it is unconstitutional not to provide people in government custody with all necessary health care." Among the settlement agreement's provisions are requirements that detainees at SDCF receive health care that meets or exceeds National Commission on Correctional Health Care standards and that an additional full-time psychiatrist and four full-time psychiatric nurses be hired to ensure that detainees receive adequate mental health care. The settlement **also requires immigration officials to remove from existing policies all statements suggesting that detainees will receive only emergency medical services and to include in the same policies explicit statements mandating that detainees shall be provided medical care whenever it is necessary to address a serious medical need.**

## Security Should Be Prioritized Over Rights

[ ]

[ ] **Absolute commitments to values like human rights fail when confronted with violence in the real world – because of this we should prioritize security first.**

**Isaac**, Professor of Political Science at Indiana-Bloomington, **2002**

(Director of the Center for the Study of Democracy and Public Life, PhD from Yale, Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, "Ends, Means, and Politics," p. Proquest)

What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? **Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand.** The campus left offers no such account. **To do so would require it to contemplate tragic choices in which moral goodness is of limited utility.** Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. **Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about.** And to develop such means is to develop, and to exercise, power. **To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality.** As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility.** The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. **Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters;** (2) **it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice.** This is why, **from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant.** Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; **it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.**



**No Solvency – Inefficient Systems**

[ ]

[ ] Dismantling surveillance programs causes ICE to revert to enforcement policies that are extremely inefficient.

**Cadman**, researcher at Center for Immigration Studies, **2015**  
(Dan Cadman February 2015 Interior Immigration Enforcement Legislation,  
<http://cis.org/Testimony/Cadman-House-Judiciary-Committee-Hearing-021115>)

But it is not just in the area of worksite enforcement that interior immigration enforcement has suffered. In her testimony a week ago, Ms. Vaughan spoke eloquently and in detail to the dangers to public safety that have been engendered by misuse of prosecutorial discretion, which has been turned on its head from an occasional act of ministerial grace accorded to those few with significant mitigating circumstances, to one of requiring officers to justify, at length and in detail to their superiors, taking enforcement action in lieu of said "discretion". What is more, a key public safety program that takes advantage of modern electronic technologies and connectivity — the same kind of technologies routinely used by citizens today in their multiplicity of computers, smart phones, tablets, and other devices — to quickly and effectively identify alien criminals in a cost-efficient and work-saving way, has been dismantled. I am speaking of course of the Secure Communities program. This dismantling pushes the efforts of ICE agents back to pre-electronics days, in which they have to rely on paper and faxes to obtain and exchange information in a laborious and time consuming manner.

**No Solvency – States Will Continue to Exclude**

[ ]

**[ ] Ending surveillance fails because states will seek other ways to exclude immigrants.****Vaughan**, Director of Policy Studies at the Center for Immigration Studies, **2006**  
(Attrition Through Enforcement, <http://cis.org/Enforcement-IllegalPopulation>)

Frustrated with the federal government's failure to make progress in reducing illegal immigration, and under pressure from impatient voters, **many state and local jurisdictions are taking matters into their own hands by enacting laws and ordinances to discourage illegal settlement and by taking advantage of federal services**, such as the database used for Basic Pilot, **to verify immigration status**. According to the National Conference of State Legislatures, lawmakers **in 42 states are considering 380 bills related to immigration; 70 of these bills deal with employment.**<sup>58</sup> **Many of these measures**, such as laws **to restrict access to driver's licenses, are intended primarily to enhance security and minimize identity fraud**; nevertheless **they have provided a powerful incentive for illegal immigrants to voluntarily return home**. In other cases, **legislatures have considered more direct approaches, such as mandatory work authorization verification**. Because these laws can have such a positive effect on compliance, and require little in the way of federal resources, they must be more actively supported by federal immigration authorities.

## Turn – Increased Smuggling

[ ]

[ ] Ending surveillance leads to parents paying for their children to be smuggled to the United States this leads to suffering during the border crossing.

**Cadman**, researcher at Center for Immigration Studies, **2015**

(Dan Cadman February 2015 Interior Immigration Enforcement Legislation,  
<http://cis.org/Testimony/Cadman-House-Judiciary-Committee-Hearing-021115>)

This bill confronts the reprehensible fact that, through its policies and practices, **the federal government has become a major facilitator in the business of smuggling minors.** In a scenario repeated thousands of times, it goes something like this: **Central American parents living and working illegally in the United States send remittances back to their home country for the express purpose of having their children smuggled northward.** Smugglers move them through the perilous journey and, if nothing untoward happens, deliver them on the U.S. side to be united with relatives. If the children are apprehended, then the government itself moves the children onward to be united with relatives, no questions asked. This has become so well known that, for their part, **smugglers are just as likely to deposit their loads of minors or families at crossroads proximate to the border so that they can be found by Border Patrol agents,** thus conveniently relieving the smugglers from the burden of transporting the children on American highways, with the concomitant chance of exposure and arrest such ventures carry. And, **because the illegal parents face no consequence for their part in having initiated the enterprise, word spreads and others do the same,** at great risk to the children.<sup>5</sup> How **many perish in the jungle lowlands and highlands in Central America, or in the heat of the Mexican desert because they can't keep up?** We don't know. How many **die from illness, dehydration, hypothermia, accidents, or murder?** We don't know. In the shadowy world of commerce in human beings, **there is a thin line between smuggling and trafficking:** how many children whose smuggling is arranged by parents end up being diverted into lives of abuse in the sex or drug trades? We don't know. **On this side of the border, we don't always even know with certainty who the children are being tendered** to. The bill requires an inquiry into the status of those persons, and initiation of proceedings if they are unlawfully in the United States. Critics will say this will deter parents from coming forward. Perhaps. But **the alternative is for the United States to continue facilitating the movement of human beings as cargo, even while we lecture the rest of the world as to their obligations to halt human smuggling and trafficking. The moral imperative is clear: Our government should undertake no policy or practice that puts more children at risk.**

## Turn – Violent Militias (1/2)

### 1. Refusing to enforce immigration law leads to a rise in violent militias

**Bever**, reporter at Washington Post, 2014

(Lindsey Bever, Texas 'militia' says it's heading out to help 'secure' border, <http://www.washingtonpost.com/news/morning-mix/wp/2014/07/08/local-lawmakers-law-enforcement-and-residents-take-on-the-immigration-crisis/>)

**The group, called Operation Secure Our Border-Laredo**, was identified to the San Antonio Express-News as "Patriots," "Oathkeepers" and "Three Percenters," a reference to the 3 percent of colonists who took up arms against England during the Revolutionary War. **Organizers are using social media and a 24-hour hotline to recruit and mobilize armed volunteers to send to Laredo, Tex.**, within the coming weeks.

It's uncertain how many people belong to the group or how many might actually show up.

"We're **here to supplement and be where law enforcement is not and help them support the border**," Chris Davis, the 37-year-old listed leader, told the Los Angeles Times. "There's nothing malicious, there's no malicious intent — every person is vetted. We're just here to serve freedom, liberty and national sovereignty." **Davis said once the group has enough manpower, it will do its duty** in a "legal and lawful manner."

It's quite **a** different **tactic** than the one Davis **announced via a YouTube video in which he allegedly said: "You see an illegal. You point your gun dead at him, right between his eyes, and you say, 'Get back across the border or you will be shot,'"** the McAllen Monitor reported last week. Davis told the Express-News he removed the video after it was taken out of context "by a newspaper that supports amnesty."

## Turn – Violent Militias (2/2)

### 2. A rise in militia groups leads to the violent murder of undocumented immigrants and Latinos.

Lenz, Southern Poverty Law Center, 2012

(Investigating Deaths of Undocumented Immigrants on the Border, Intelligence Report, Fall 2012, Issue Number: 147, <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2012/fall/death-in-the-desert>)

For years, **the area has been crisscrossed by “civilian border patrols”** — the “Minutemen” groups that President George W. Bush characterized as “vigilantes” and **that were enraged by what they saw as a purposeful invasion. A neo-Nazi leader who led fellow armed radicals to the border spoke of laying mines to prevent non-whites from entering — and later reportedly asked a witness to help him surveil homes where he hoped to murder Latinos.** Law enforcement has found at least one pipe bomb planted on a smuggling trail, and last year a neo-Nazi was arrested with other bombs he was taking to the border. Still other neo-Nazis told the Intelligence Report several years earlier that they were scouting sniper positions at the border. **The recent shootings near Eloy, coupled with the murders in January and February of 2007, have raised these worries again. An internal Department of Homeland Security (DHS) report from the earlier period, obtained by the Report, said the 2007 shootings were likely connected to each other.** And in the second incident that year, police found two men with non-Hispanic names “concealed in the brush” nearby watching the police response — a “curious” fact, the DHS report said. Through it all, most Arizona authorities have dismissed virtually all the non-weather-related deaths as the result of attacks by drug and human smugglers — and there is little doubt that that is behind some of the mayhem. **But many activists and at least some in law enforcement fear that a small but committed cadre of hard-core extremists on the border may actually be engaging in murder.** Matt Browning, a retired Mesa police detective who spent years undercover infiltrating racist border and neo-Nazi skinhead groups, is one of them. “In Arizona, we might not have Hammerskins or Volksfront or the Klan,” Browning said, referencing some of the more prominent contemporary white supremacist groups. “What we do have is a lot of angry, militant white men on the border sitting like hunters waiting for these people to come across.”

# **Guest Worker Visa Disadvantage**

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## **Summary**

The Guest Worker Visa Disadvantage is a Negative position written specifically for usage against the Immigration Surveillance case. The core of the argument regards the political tradeoffs between ending surveillance of illegal immigrants and pathways for legal migration.

The argument starts by explaining the current political landscape regarding immigration. Democrats have always been in favor of leniency regarding illegal immigration, and Republicans have traditionally be staunchly against such policies. However, with the recent changes in the voting base and the growing power of Latino-American and Hispanic-American voters, the Republicans have realized they need to engage with this demographic. While still staunchly against the plan, the Republicans are now willing to compromise on raising the cap for legal immigration to the United States of both low-skilled and high-skilled laborers. These “guest workers” won’t have U.S. citizenship, but will have access to the H1B visa, which will allow them to work and live in the U.S. for up to 6 years, during which they will have the opportunity to apply for permanent residence, and later citizenship.

The argument goes that if we pass the plan, which Republicans are firmly against, this will destroy the current willingness to compromise on raising the cap for legal migration. Where there once was cooperation will now be political fights on immigration that will prevent high-skilled workers from entering the U.S. to work. This would be deeply problematic because these high-skilled foreign workers are critical for U.S. economic leadership, as these workers typically join science and technology-related firms, which are the biggest growth sectors in our economy. Fundamentally, this would be terrible for the world since the U.S. economy is the driver of the global economy.

In addition, an add-on scenario claims that skilled Chinese laborers who received their education in the United States are returning to China due to the lack of such visas for work in the United States. So not only would our economic leadership decline, but China’s would rise from these highly-educated professionals returning home to work. This is ultimately bad because the rise of China could lead to war with the United States.



## Glossary

**Cold War:** A war between two nations or superpowers that doesn't result in prolonged military conflict, but rather political, economic, and social conflict. Often, military conflict is carried out between proxy states.

**Comprehensive Immigration Reform:** A policy platform proposed by the Obama administration to work with both the House and the Senate on a complete change of the immigration reform, similar to the bipartisan legislation that passed the Senate in 2013.

**GOP:** The 'Grand Old Party', the nickname for the Republican Party.

**Guest Worker:** Guest Worker are legal immigrants to the U.S. that are granted the ability to live in the U.S. temporarily while working for a U.S. company.

**H1B Visa:** A specific type of guest worker visas that allow workers to stay temporarily and work in the U.S.

**Migration:** Migration is when a group of people or a person move from one place to the other.

**Multilateralism:** When multiple nations work together on international relations.

**Immigration Ceilings:** Immigration ceilings are limits on how many immigrants can come to the United States.

**Immigration Reform:** Immigration Reform are laws made to improve current policies of the U.S. in immigration. The U.S. Citizenship and Immigration services are in control of implementing laws on Immigration.

**Rencai** – Pronounced Ren Tsai, it is Chinese for human capital, or qualified workers that China produces through either its education system, or by sending them to Western countries for education.

**Startup Act:** Legislation intended to encourage the growth and viability of new companies in the U.S. through changes to the tax, immigration, and regulatory policies.

**STEM:** STEM stands for Science Technology Engineering and Math. Improving STEM has been a large focus of American public education in order for the U.S. to stop relying on foreign skilled workers.

**Unilateralism:** The process of taking minimal measures in consulting foreign nations when making a policy.

**Weapons of Mass Destruction:** Weapons designed to kill large populations of people.

## 1NC Shell (1/4)

**A. Uniqueness – Republicans are willing to compromise on immigration to raise the ceiling on high-skilled guest-worker visas.**

Levy, Capitol Hill analyst @ US News, 2015

(Gabrielle, "Signs of Life for Immigration Reform," US News,

<http://www.usnews.com/news/articles/2015/06/03/signs-of-life-for-immigration-reform>)

**With comprehensive immigration reform essentially dead on Capitol Hill** for the foreseeable future, Republicans appear poised to advance a series of incremental measures to address the hot-button issue amid political pressure to tackle the broken system. **GOP lawmakers in recent weeks have proposed potential areas of compromise they hope can help the party handle the delicate balance between appeasing the demands of the base in beefing up border security while addressing the practical economic need for foreign labor.** The moves come amid almost no progress on immigration legislation since the then-Democratically controlled Senate passed a comprehensive reform bill in 2013 that never came up for a vote in the GOP-led House. The impasse led President Barack Obama to issue executive orders protecting some groups of immigrants living illegally in the U.S. from deportation – infuriating Republicans in the process. With the unilateral moves halted by a federal judge, congressional leadership has been content to sidestep the thorny issue after losing a faceoff in March in which they unsuccessfully tried to tie funding for the Department of Homeland Security to a rollback of the Obama actions. But **the looming presidential race has increased the sense of urgency** among some of the rank and file eager **to see the party raise its standing among Hispanic voters.** "If you're a Republican [running for president], you at minimum want the immigration issue neutralized, and maybe gain votes where Mitt Romney was unable to get them" in 2012, says Stuart Anderson, executive director of the nonpartisan, nonprofit National Foundation for American Policy. While any of the piecemeal proposals faces long odds to passage and even less chance of cooperation with the White House, **one area of focus appears to be on guest worker programs that would increase the number and accessibility of visas for both high- and low-skilled workers. The reform already has bipartisan support.** "When it comes to illegal immigration, what's the No. 1 reason people come to this country illegally? The same reason our ancestors came here: to work," **Sen. Ron Johnson**, R-Wis., **said Tuesday** at a bipartisan event exploring pragmatic methods of reigniting the debate on reform. **From my standpoint, if you really want to secure our border, let's eliminate or drastically reduce the incentives for illegal immigration, starting with a guest worker program.** Some studies have suggested that, instead of taking away jobs from Americans, those workers help spur economic growth. It's a position immigration advocates hope to use to sell the issue to a broader constituency. "If you don't have a restaurant worker working in the kitchen ... you're not going to have good jobs, waiter jobs, management jobs in restaurants for Americans," says Alfonso Aguilar, director of the Latino Partnership program at the conservative American Principles in Action group and the former chief of the U.S. Office of Citizenship under President George W. Bush. "So we need to connect with the middle class and show that immigration is good for the middle class."

## 1NC Shell (2/4)

**B. Link – Reducing immigration enforcement collapses support for raising legal migration ceilings.**

**Margin**, Warner-Booker Distinguished Professor of International Law, **2007**

(David, Class of 1963 Research Professor, University of Virginia. The author served as General Counsel of the Immigration and Naturalization Service from 1995 to 1998, and many of the opinions voiced here derive from that first-hand experience with immigration enforcement, as well as a quarter century of scholarly work in the field, “EIGHT MYTHS ABOUT IMMIGRATION ENFORCEMENT,” Legislation and Public Policy, 10)

Viewed in a wider compass, the only politically durable foundation for generous legal immigration policy in the future is the assurance that immigration is under control. **Without reliable enforcement, the political field is open to those** who blow the negative effects of immigration out of all proportion and **who seek to ride fears of widespread lawbreaking to political success**. At times, **such efforts even threaten to cut back on legal migration—the easiest part of our overall immigration patterns for a frustrated Congress to affect**. After all, we only narrowly avoided a serious reduction in legal immigration ceilings in 1996 as part of that year’s illegal migration control legislation.<sup>111</sup> Without reliable enforcement that dries up the job magnet, **frustration with visible lawbreaking** leads state and local governments to experiment with harsh measures meant to discourage illegal migration. Frustration also sometimes **leads Congress to lash out, as it did in 1996, to impose ever harsher measures** on the unfortunate few who do fall within the toils of the enforcement system—visiting upon them new mandates for detention, exaggerated reactions to minor infractions, **or new restrictions** on forms of relief that once allowed immigration judges to take account of humanitarian reality and forgive deportation on a case-by-case basis.<sup>112</sup> **Reliable enforcement would arm the opponents of such harsh measures with better arguments and bring into the fold wider constituencies for resisting such harshness**— perhaps someday even for rolling back some of the severity of the 1996 amendments. Reliable enforcement, in short, empowers generous legal immigration policy in the long run.

## 1NC Shell (3/4)

**C. Internal Link – High-skilled immigration reform is key to US economic leadership.**

**Ghadar**, founding director of The Center for Global Business Studies at Penn State, 2015 (Fariborz, "Here's one way to attract the best and brightest to the U.S. - and keep them here: Fariborz Ghadar," Penn Live, [http://www.pennlive.com/opinion/2015/03/post\\_40.html](http://www.pennlive.com/opinion/2015/03/post_40.html))

**In order for the U.S. to compete in the increasingly technical world, we must change our policies to accept contributions from the brightest minds regardless of birthplace.** The Immigration Innovation Act aims to adapt our country's workforce to the forecasted environment. According to the U.S. Department of Commerce, "STEM occupations are projected to grow by 17.0 percent from 2008 to 2018, compared to 9.8 percent growth for non-STEM occupations." While the Startup Act will create a world-class workforce to fill the jobs we already have, the Startup Act will facilitate foreign entrepreneurs in their creation of more enterprises. **A 2012 study** released by the Partnership For A New American Economy **found that immigrants file 76 percent of patents at top U.S. universities. Upon graduation, these striving entrepreneurs seek to start businesses around their new discoveries.** Of the patents awarded to immigrants, over half are granted to the groups who face the most difficulty in acquiring visas: students, postdoctoral fellows, and staff researchers. Without green cards, the mere prospect of raising capital is nearly impossible. **Our current policies literally force intelligent professionals and their innovations out of the U.S. economy.** The Kauffman Foundation, the largest American foundation to focus on the promotion of entrepreneurship, completed a study in 2013 highlighting the economic effects of the Startup Act. **If the Startup Act were to be put into law, the Kauffman Foundation predicts the creation of between 500,000 and 1.5 million jobs in the technology and engineering fields over the next 10 years.** The Foundation's predictions are based upon data from the U.S. Census Bureau Business Dynamics Statistics. One quarter of technology and engineering companies developed between 1995 and 2012 were founded or co-founded by foreign-born immigrants. Those developed between 2006 and 2012 employed an average of 21.37 people each. Foreign-born immigrants creating employment opportunities in the U.S. is not a novel concept. Between 1995 and 2006, the technology companies started by immigrants accounted for an impressive 10 percent of total job creation. This number is made even more remarkable by the fact that these immigrant-owned firms made up only 1 percent of all firms developed between 1995 and 2006. One can only imagine how much these numbers would increase if the U.S. were to actually facilitate highly skilled immigrants' efforts to form businesses and create jobs. The Kauffman Foundation's predictions for the future are, of course, dependent upon the reformation of U.S. immigration policy. Relative to other countries, such as Canada, New Zealand, and the UK, our current policies are unreceptive to foreigners seeking to employ their valuable skills. Lack of foreign interest in working in the U.S. is not to blame; U.S. Citizenship and Immigration Services reached their cap on H-1B visas within five days of the application opening in 2014. Our strict limit on H-1B visas is the reason why 46 percent of immigrants in Canada report a high level of education, while only 35 percent of immigrants in the U.S. can report the same. And the disparity will continue to grow so long as we choose to reject the Immigration Innovation and Startup Acts. **At present, the United States is a leading world power. But in order to maintain this status, we must supply our labor force with the best minds from around the world. If our policies continue to reject the contributions of highly skilled immigrants, our economy will continue to lose potential.** We must realize the vital role highly skilled immigrants play in keeping our country on the frontier of this technologically advanced and ever-evolving world and pass the Immigration Innovation Act and Startup Act immediately.

## 1NC Shell (4/4)

**D. Impact – US economic leadership is an existential issue for our nation. It is critical to the well-function of the world-wide economy.**

**Haass, President of the Council on Foreign Relations, 2013**

(Richard, "The World Without America," <http://www.project-syndicate.org/commentary/repairing-the-roots-of-american-power-by-richard-n--haass>)

Let me posit a radical idea: **The most critical threat facing the United States now and for the foreseeable future is not a rising China, a reckless North Korea, a nuclear Iran, modern terrorism, or climate change.** Although all of these constitute potential or actual threats, **the biggest challenges facing the US are its** burgeoning debt, crumbling infrastructure, second-rate primary and secondary schools, **outdated immigration system, and slow economic growth – in short, the domestic foundations of American power.** Readers in other countries may be tempted to react to this judgment with a dose of schadenfreude, finding more than a little satisfaction in America's difficulties. Such a response should not be surprising. The US and those representing it have been guilty of hubris (the US may often be the indispensable nation, but it would be better if others pointed this out), and examples of inconsistency between America's practices and its principles understandably provoke charges of hypocrisy. When America does not adhere to the principles that it preaches to others, it breeds resentment. But, like most temptations, the urge to gloat at America's imperfections and struggles ought to be resisted. People around the globe should be careful what they wish for. **America's failure to deal with its internal challenges would come at a steep price. Indeed, the rest of the world's stake in American success is nearly as large as that of the US itself.** Part of the reason is economic. **The US economy still accounts for about one-quarter of global output. If US growth accelerates, America's capacity to consume other countries' goods and services will increase, thereby boosting growth around the world.** At a time when Europe is drifting and Asia is slowing, only the US (or, more broadly, North America) has the potential to drive global economic recovery. The US remains a unique source of innovation. Most of the world's citizens communicate with mobile devices based on technology developed in Silicon Valley; likewise, the Internet was made in America. More recently, new technologies developed in the US greatly increase the ability to extract oil and natural gas from underground formations. This technology is now making its way around the globe, allowing other societies to increase their energy production and decrease both their reliance on costly imports and their carbon emissions. The US is also an invaluable source of ideas. Its world-class universities educate a significant percentage of future world leaders. **More fundamentally, the US has long been a leading example of what market economies and democratic politics can accomplish. People and governments around the world are far more likely to become more open if the American model is perceived to be succeeding. Finally, the world faces many serious challenges, ranging from** the need to halt the spread of **weapons of mass destruction**, fight **climate change**, and maintain **a functioning world economic order that promotes trade and investment** to regulating practices in cyberspace, improving **global health, and** preventing **armed conflicts.** **These problems will not simply go away or sort themselves out.** While Adam Smith's "invisible hand" may ensure the success of free markets, it is powerless in the world of geopolitics. **Order requires the visible hand of leadership to formulate and realize global responses to global challenges.**

## China STEM Scenario (1/3)

### 1. Chinese-born, high-skilled workers are returning to China—only a more inclusive immigration system can solve

Yuwei, journalist, 2011

(Zhang, "Talent hunters mean business," The 4th Media, 7/27/11, <http://www.4thmedia.org/2011/07/talent-hunters-mean-business/>)

**Li Yang**, a PhD marketing student at Columbia Business School in New York, faces a tough choice when he graduates next year – whether to stay in the United States or return to China to look for a job. "Several years ago, the answer would have been simple. Of course, I'd prefer to stay in the US maybe long enough to enjoy some immigration benefits. But now China offers equally competitive opportunities for overseas returnees, which many will consider and accept," said Li, 28, who has been studying in the US for more than six years.

In 2008, the government launched the Thousand Talents Program to improve China's capacity for innovation in the next five to 10 years. It hopes to boost the recruitment of talented people who are willing to return to China for top salaries. A follow-up initiative, the Thousand Young Talents Program, was set up last year to recruit about 2,000 jobseekers from abroad over the next five years to work in the natural sciences and engineering. Under the National Medium- and Long-term Talent Development Plan (2010-20) released in June, the government will adopt favorable policies in taxation, insurance, housing, children and spouse settlement, career development, research projects, and government awards for high-caliber overseas Chinese who are willing to work in China. Li is encouraged by the programs. "More Chinese students and young professionals around me are considering returning to China. The program is a good start and it shows the government has recognized the role these overseas returnees can play. "There is not much difference between China and the US in terms of employment opportunities now," he said. "That's where it makes the choice difficult." More Chinese students have returned home in recent years – 134,800 from the US last year, a 25 percent increase from 2009, according to the Chinese Ministry of Education. While many returned because of the difficulty in obtaining a non-immigrant work visa, it is thought that the better employment prospects in China also played a role. Shaun Rein, managing director at China Market Research in Shanghai, said most of the people his firm hired in the past two years had gone abroad for business school and returned to China. Some are benefiting from favorable policies set up by the government, Rein said. "This is a very positive development for China. We need these top-flight students to return home." The United States, meanwhile, is trying to keep the foreigners. Speaking in El Paso, Texas, in May, President Barack Obama said an overhaul of US immigration laws is needed to secure highly skilled and high-tech foreign talent. "So we don't want the next Intel or the next Google to be created in China or India," he said. "We want those companies and jobs to take root here."

## China STEM Scenario (2/3)

### 2. Attracting overseas Chinese scholars back to China is key to their economy

**Wang**, Brookings Institute visiting fellow, **2010**

(Huiyao, "China's National Talent Plan: Key Measures and Objectives," Brookings, 11/23/10, [http://robohub.org/wp-content/uploads/2013/07/Brookings\\_China\\_1000\\_talent\\_Plan.pdf](http://robohub.org/wp-content/uploads/2013/07/Brookings_China_1000_talent_Plan.pdf))

**China** has also **enjoyed a huge trade surplus** for a number of years. **However, in terms of the exchange of rencai, it has suffered a major deficit. China has sent out 1.62 million students and scholars since 1978, but** as of today, **only 497,000 have returned** to China. The fact that the total number of returnees is now close to half a million was helped by the financial crisis in some developed countries: over 100,000 students returned to China in 2009 alone. Although the total return rate is now around 30 percent, the U.S. Energy Department's Oak Ridge Institute for Science and Education for the National Science Foundation reports that **the percentage of highly qualified** Chinese rencai —such as **U.S.-educated PhD graduates in the sciences and engineering—that remained in the United States stands at 92 percent**, the highest in the world (in comparison, for these highly qualified rencai, India's stay rate is 81 percent, Taiwan's is 43 percent, South Korea's is 41 percent, Japan's is 33 percent, Mexico's is 32 percent and Thailand's is 7 percent).as can be see from the table below. **China has begun to recognize that having financial resources is not enough: human resources must be prioritized** in today's knowledge economy. **Therefore, methods for attracting human capital to China can have a profound impact on the country's economic, political and social transformation.**

## China STEM Scenario (3/3)

### 3. Chinese growth makes US-China war inevitable within five years

**Keck**, citing John Mearsheimer, Professor of International Relations, **2014**  
(Zachary, US-China Rivalry More Dangerous Than Cold War?, <http://thediplomat.com/2014/01/us-china-rivalry-more-dangerous-than-cold-war/>)

The prominent realist international relations scholar John Mearsheimer says **there is a greater possibility of the U.S. and China going to war in the future than there was of a Soviet-NATO general war** during the Cold War. Mearsheimer made the comments at a lunch hosted by the Center for the National Interest in Washington, DC on Monday. The lunch was held to discuss Mearsheimer's recent article in The National Interest on U.S. foreign policy towards the Middle East. However, much of the conversation during the Q&A session focused on U.S. policy towards Asia amid China's rise, a topic that Mearsheimer addresses in greater length in the updated edition of his classic treatise, The Tragedy of Great Power Politics, which is due out this April. In contrast to the Middle East, which he characterizes as posing little threat to the United States, Mearsheimer said that **the U.S. will face a tremendous challenge in Asia should China continue to rise economically**. The University of Chicago professor said that **in such a scenario it is inevitable that the U.S. and China will engage in an intense strategic competition, much like the Soviet-American rivalry** during the Cold War. While stressing that he didn't believe a shooting war between the U.S. and China is inevitable, Mearsheimer said that he believes **a U.S.-China Cold War will be much less stable than the previous American-Soviet one. His reasoning was based on geography and its interaction with nuclear weapons**. Specifically, the center of gravity of the U.S.-Soviet competition was the central

European landmass. This created a rather stable situation as, according to Mearsheimer, anyone that war gamed a NATO-Warsaw conflict over Central Europe understood that it would quickly turn nuclear. This gave both sides a powerful incentive to avoid a general conflict in Central Europe as a nuclear war would make it very likely that both the U.S. and Soviet Union would be "vaporized." **The U.S.-China strategic rivalry lacks this singular center of gravity**. Instead, **Mearsheimer identified four potential hotspots** over which he believes the U.S. and China might find themselves at war: **the Korean Peninsula, the Taiwan Strait and the South and East China Seas**. Besides featuring more hotspots than the U.S.-Soviet conflict, Mearsheimer implied that he felt that **decision-makers in Beijing and Washington might be more confident that they could engage in a shooting war** over one of these areas without it escalating to the nuclear threshold. For instance, he singled out the Sino-Japanese dispute over the Senkaku/Diaoyu Islands, of which he said **there was a very real possibility that Japan and China could find themselves in a shooting war** sometime **in the next five years. Should a shooting war break out between China and Japan in the East China Sea**, Mearsheimer said he believes **the U.S. will** have two options: first, to act as an umpire in trying to separate the two sides and return to the status quo ante; second, to **enter the conflict on the side of Japan**. Mearsheimer said that he thinks it's more likely the U.S. would opt for the second option because a failure to do so would weaken U.S. credibility in the eyes of its Asian allies. In particular, he believes that America trying to act as a mediator would badly undermine Japanese and South Korean policymakers' faith in America's extended deterrence.



**AT: Non-Unique – Too Much Controversy Now**

[ ] High-skilled immigration reform will pass now

Lee, analyst at IB Times, 2015

(Brianna, "Immigration Reform 2015: High Hopes For High-Skilled Immigration Reform, Even As Congress Battles Obama," IB Times, <http://www.ibtimes.com/immigration-reform-2015-high-hopes-high-skilled-immigration-reform-even-congress-1783946>)

**Immigration reform is one of the most divisive issues in Congress right now, but for bills favoring high-skilled immigrants, there may be some hope.** Senators introduced two bills this week to increase and streamline high-skilled immigration, and the sponsors say they're optimistic about their prospects. **Measures to expand immigration channels for high-skilled workers, particularly in the tech industry, have long enjoyed bipartisan support** but have fallen victim to the thornier politics of comprehensive reform. Passing the bills separately could be a win for business interests that want skilled labor and signal some progress on immigration from Congress. But detaching them from a comprehensive bill might dim the chances for legislation on more polarizing issues, like pathways to citizenship for undocumented immigrants. **The Immigration Innovation Act**, also known as I-Squared, was introduced Tuesday in the Senate by a bipartisan group of six including Sens. Orrin Hatch, R-Utah; Amy Klobuchar, D-Minn; and Marco Rubio, R-Fla. The bill **would drastically expand the number of available visas for temporary high-skilled workers, raising the existing cap** of 65,000 to 115,000, with room to expand up to 195,000 under certain circumstances. The proposal also exempts some categories of immigrants from the quota for employment-based green cards, effectively doubling the number of those available visas. **A separate bill called the Startup Act**, backed by six senators including Sens. Jerry Moran, R-Kan., and Mark Warner, D-Va., **would create a new type of visa for entrepreneurs** looking to start companies in the United States. Neither bill is a new proposal; various versions of them have cropped up in Congress before. But **reform of the high-skilled immigration process has usually been attached to broader legislation as a sweetener for lawmakers to pass it. Now the new Republican-dominated Congress seems more inclined to implement piecemeal reform**, rather than a sweeping comprehensive bill. "Just because we can't do everything doesn't mean we can't do some things," Moran told the Wall Street Journal on Tuesday. "In my view, Congress makes a mistake when it tries to do everything in one piece of legislation." Immigration is a particularly sore subject in Congress right now, as House Republicans voted Wednesday to defund President Barack Obama's executive action granting deportation relief to some 4 million undocumented immigrants. The House also narrowly passed a bill to undo deportation relief for undocumented childhood arrivals under the president's 2012 executive order. **Passing measures for high-skilled immigrants would give the Republicans something to point to when accused of blocking any immigration reform.** Not all Republicans are on board, however. Sen. Jeff Sessions, R-Ala., released an immigration handbook Tuesday that outlined arguments against increasing temporary high-skilled worker visas. "It is understandable why these corporations push for legislation that will flood the labor market and keep pay low; what is not understandable is why we would ever consider advancing legislation that provides jobs for the citizens of other countries at the expense of our own," he wrote. Nevertheless, **analysts say the bills have a strong chance of passing both houses. "Congress seems much more amenable to high-skilled reform than they were before,"** said Alex Nowrasteh, an immigration policy analyst at the libertarian Cato Institute.

**AT: No Internal Link – No High-Skilled Worker Shortage**

[ ]

**[ ] US is falling behind in STEM—that’s the greatest threat to national security****Sund**, Naval Postgraduate School master’s candidate, **2014**

(Steven A., “U.S. DECLINING GLOBAL RANKINGS IN MATH AND SCIENCE AND THE IMPACT ON OUR NATIONAL SECURITY: POLICY OPTIONS TO ELICIT ANOTHER SPUTNIK MOMENT,” Master’s thesis with advisors Christopher Bellavita, the director of programs for the Center for Homeland Defense and Security, and Richard Bergin, Harvard PhD in Business Administration and co-leader of KPMG’s US Economics and Regulation practice, Naval Postgraduate School, p. 1)

**The inadequacies of our systems of research and education pose a greater threat to U.S. national security** over the next quarter century **than any potential conventional war that we might imagine.** –Hart-Rudman Commission Report. Despite this warning, **the United States has not implemented a national education imperative** or developed a sense of social responsibility **capable of reversing our declining interest in** science, technology, engineering and math **(STEM) education**, which had been at the forefront of national concerns following WWII, when the atomic bomb, and Sputnik fueled American society’s interest and drive in the sciences, to a point in 2007 where **fewer than two percent of high-school graduates receive engineering degrees** from U.S. universities (Augustine, 2007, p. 47). Now, 60 years later, **we are witnessing greater increase in spending by foreign governments on science and engineering (S&E) initiatives while the United States has reduced investment** in these areas. Although numerous schools, government agencies, non-governmental organizations (NGO) and private corporations, and community organizations have developed policies to help bolster STEM education, **U.S. schools are still declining in global rankings. The lack of interest in the sciences** by our domestic students **and low completions of advanced higher level science degrees by American students are compounding the problem.**

## AT: No Internal Link – Visas Don't Solve

[ ]

## [ ] H-1B visas are key to economic growth

**Colby**, fellow at the Center for a New American Security, and **Lettow**, US National Security Council senior director for strategic planning, **2014**

(Elbridge and Paul, "Have We Hit Peak America?" Foreign Policy, 7/3/14, <http://foreignpolicy.com/2014/07/03/have-we-hit-peak-america/>)

These assets have made the United States the leading destination for high-skilled immigrants, who provide an essential engine for economic growth. William Kerr of Harvard Business School, for instance, found that American immigrants of Chinese and Indian extraction accounted for 15 percent of U.S. domestic patents in 2004, up from just 2 percent in 1975. And the Brookings Institution has estimated that a quarter of technology and engineering businesses started in the United States between 1995 and 2005 had a foreign-born founder.

Preserving the U.S. edge in human capital is essential. But the United States is not exploiting this advantage as much as it should. Its current approach to H-1B visas, for instance, is overly restrictive and ultimately harmful. The United States regularly educates and trains hyperskilled Ph.D. students in the sciences, for example, and then makes it difficult for them to stay in the country. America should welcome and try to keep skilled and talented workers and entrepreneurs. The payoffs are clear: Every H-1B visa granted for an employee to join a high-tech company adds another five jobs to the economy. Other countries, such as Canada and Australia, already understand this dynamic. They are attracting talent through incentives and criteria, such as educational attainment and work history that suggest great economic potential. The United States ought to learn from their example.

## AT: No Impact – Won't Affect Economy

[ ]

[ ] High skilled workers are key to innovation and the economy—absent reforms, US economic leadership declines.

**Johnson**, American Immigration Council executive director, 2015

(Benjamin, "The Power and Potential of High Skilled Immigration," American Immigration Council, 5/17/2015, <http://immigrationimpact.com/2015/03/17/the-power-and-potential-of-high-skilled-immigration/>)

Today, **foreign workers fill a critical need—particularly in the Science, Technology, Engineering, and Math fields.** Now more than ever, we need an honest conversation about reforms that can improve and strengthen the admission of these immigrants into our labor force. But to do that, we must move the current immigration debate beyond the stereotypes, myths, and hyperbole that distract from that conversation, and which seek to pit native-born workers against their foreign-born colleagues. **The U.S. job market is not a “zero-sum game”** in which workers must fight each other for a fixed number of jobs. The United States has the most dynamic and powerful economy the world has ever known, and **immigrants of all types and skills**, from every corner of the globe, **have worked shoulder to shoulder with native-born workers to build it.** The overwhelming weight of research shows that in our dynamic labor market, **skilled immigrants complement their U.S.-born counterparts. Skilled immigrants’ help create new jobs and new opportunities for economic expansion.** Indeed, **foreign workers positively impact the wages and employment opportunities of native-born workers across our economy.** The important role that skilled immigrants play in our economy extends far beyond the world of computers and high tech, and **skilled immigrants** are helping to reshape communities far beyond Silicon Valley. They **are making enormous contributions in almost every aspect of our economy, including manufacturing, medical research, healthcare delivery, and agriculture.** Their contributions have helped rebuild economies in places like Des Moines, Iowa; Tuscaloosa, Alabama; and Raleigh, North Carolina. For me, the bottom line is this: In today’s global economy, where other countries are spending billions of dollars to compete with America’s ability to attract immigrants, we cannot take this issue for granted. **If we continue to ignore the need for immigration reform or adopt policies that discourage skilled immigrants from helping America** to innovate, lead, and create more high-paying jobs **we run the enormous risk that America will be left behind, without a robust innovation and entrepreneurial sector. Innovation is the key to growing the U.S. economy and creating jobs. In turn, the key to innovation is attracting, growing, and retaining a skilled workforce. Foreign-born workers, especially STEM workers, have been and will continue to be a critical part of this equation.**

## AT: Impact Turn – Decreased Wages

[ ]

[ ] H1-B visa immigration doesn't depress wages.

**Melugin, CEI Adjunct Fellow, 2001**

(Jessica P., "High-Tech Immigration," Competitive Enterprise Institute, Tech Briefing 2001, p. 37)

**The H1-B program is sometimes accused of exerting downward pressure on wages for US-born technology workers. But according to a Commerce Department study, "It seems clear from both government and non-government data, that the compensation level for IT professionals is both high and rising." The study cites salary growth estimates ranging from 3 to 4 percent up to double-digit growth.**<sup>7</sup> So while it may be true that H1-B workers are preventing US salaries from skyrocketing (which would be to the detriment of consumers and the US economy in general), **visa holders are certainly not depressing wages in the tech sector.**

[ ] H1-B visas don't result in unethically low wages for foreign-born workers.

**Melugin, CEI Adjunct Fellow, 2001**

(Jessica P., "High-Tech Immigration," Competitive Enterprise Institute, Tech Briefing 2001, p. 37)

**Because employers are obligated to pay H1-B workers at least the wage paid to their native-born counterparts, foreign-born workers are protected from inappropriately low wages.** Very few instances of noncompliance with this requirement have been found. Close to **525,000 non-immigrant petitions were granted between 1991 and 1999; during that time, 134 violations were found, and only seven were determined "willful" violations of the law.**<sup>8</sup> Contrary to some critics' accusations, an average of one intentional violation per year does not a slave-labor scheme make.

## AT: Impact Turn – American Jobs

[ ]

[ ] High-skilled immigrants increase jobs for US natives—statistically-proven.

**Zavodny**, Agnes Scott College economics professor, **2011**

(Madeline, “Immigration and American Jobs,” American Enterprise Institute, 12/15/11, [http://www.aei.org/wp-content/uploads/2011/12/-immigration-and-american-jobs\\_144002688962.pdf](http://www.aei.org/wp-content/uploads/2011/12/-immigration-and-american-jobs_144002688962.pdf), p. 10)

**Immigrants with advanced degrees** from US universities **who work in STEM fields dramatically boost employment for US natives.** During 2000– 2007, **a 10 percent increase in the share of such workers boosted the US-born employment rate by 0.04 percent.** Evaluating this at the average numbers of foreign- and US-born workers during that period, this implies that **every additional 100 foreign-born workers** who earned an advanced degree in the United States and then worked in STEM fields **led to an additional 262 jobs for US natives.** (See Table 2)

In addition, immigrants with advanced degrees in general boost employment for US natives. The overall share of workers who are immigrants with an advanced degree (from foreign and US universities) working in a STEM occupation is also positively associated with the native employment rate. During 2000–2007, **a 10 percent increase in the share of workers who are immigrants with advanced degrees working in STEM boosted the US-born employment rate by 0.03** percent. **This translates into every additional 100 foreign-born workers with an advanced degree working in a STEM occupation creating about eighty-six additional jobs for US-born workers.**

The estimates also indicate that **simply increasing the number of immigrants with advanced degrees** working in all fields, not just STEM, **would increase American employment.** A 10 percent increase in the share of all workers who are immigrants with advanced degrees boosted the native employment rate by 0.08 percent during 2000–2007. In other words, each additional 100 foreign-born workers with an advanced degree created about forty-four additional jobs for US natives.<sup>20</sup> (See Table 1)

**Guest Worker Visa  
Disadvantage  
Affirmative**

**Guest Worker Visa Disadvantage Affirmative Answers – Table of Contents**

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## **Summary**

The Affirmative's responses to this Negative position can take multiple tracks:

First, the Affirmative can claim that the Democrat-Republican compromise that the Negative has promised will happen now is actually not true. The core reason is that immigration is too contentious an issue this close to the election for compromise to occur. Therefore, if both the status quo and the plan equally could lead to economic collapse, there's no reason to prefer the status quo over the plan.

Second, the Affirmative can challenge the part of the story where the Negative claims that there's a shortage of high-skilled laborers in the United States. If the Affirmative can prove there is no shortage, then there is no reason to believe the nation is due for an economic collapse. Simply put, a shortage of high-skilled workers might indeed lead to economic collapse, but since there's no shortage, there's no real problem to be worried about.

Third, the Affirmative can argue that a shortage of high-skilled laborers won't really impact the economy all that much. In addition, the Affirmative can go on the offensive and claim that the opposite is true, that these foreign laborers will actually decrease wages for the average American. Furthermore, an argument could be made that illegal immigrants actually contribute more to the economy than these high-skilled laborers, and provide more opportunities for jobs for Americans.

Lastly, the Affirmative can defend against the China scenario by arguing either that China cannot possibly catch up economically to the United States or that even if they do, there won't be a war since both of our economies will be so interdependent.

## Glossary

**Cold War:** A war between two nations or superpowers that doesn't result in prolonged military conflict, but rather political, economic, and social conflict. Often, military conflict will be between two proxy states.

**Comprehensive Immigration Reform:** A policy platform proposed by the Obama administration to work with both the House and the Senate on a complete change of the immigration reform, similar to the bipartisan legislation that passed the Senate in 2013.

**GOP:** The 'Grand Old Party', the nickname for the Republican Party.

**Guest Worker:** Guest Workers are legal immigrants to the U.S. that are granted the ability to live in the U.S. temporarily while working for a U.S. company.

**H1B Visa:** A specific type of guest worker visas that allow workers to stay temporarily and work in the U.S.

**Migration:** Migration is when a group of people or a person move from one place to the other.

**Multilateralism:** When multiple nations work together on international relations.

**Immigration Ceilings:** Immigration ceilings are limits on how many immigrants can come to the United States.

**Immigration Reform:** Immigration Reform are laws made to improve current policies of the U.S. in immigration. The U.S. Citizenship and Immigration services are in control of implementing laws on Immigration.

**Rencai** – Pronounced Ren Tsai, it is Chinese for human capital, or qualified workers that China produces through either its education system, or by sending them to Western countries for education.

**Startup Act:** Legislation intended to encourage the growth and viability of new companies in the U.S. through changes to the tax, immigration, and regulatory policies.

**STEM:** STEM stands for Science Technology Engineering and Math. Improving STEM has been a large focus of American public education in order for the U.S. to stop relying on foreign skilled workers.

**Unilateralism:** The process of taking minimal measures in consulting foreign nations when making a policy.

**Weapons of Mass Destruction:** Weapons designed to kill large populations of people.

**Non-Unique – Too Much Controversy Now**

[ ]

**[ ] Non-unique—too much controversy within parties and between parties****Vajpeyi**, reporter for New Indian Express, **2015**

(YOGESH, reporter for New Indian Express, “H1B Visa Row: The US Cannot Have the Cake and Eat it Too” <http://www.newindianexpress.com/columns/H1B-Visa-Row-The-US-Cannot-Have-the-Cake-and-Eat-it-Too/2015/06/14/article2864871.ece> 6/14/15)

Clearly, the move has been prompted by political rather than legal considerations, **following a controversy in the US media in recent months over whether these foreign workers, who typically have visas known as H-1Bs, displace or complement US workers.** Unfortunately, such fears do not take into account the peculiarities of the American situation. It is the US that needs Indians to do certain types of jobs. They have not only the expertise but also the dedication to do the jobs. That is why they are in demand in the US. It is not merely because they are available to the American companies at a lesser cost. In fact, the whole concept of outsourcing is based on the unwillingness of the local workforce to do certain kinds of work like servicing their clients. According to reliable estimates, around 30,000 Indian H-1B visa holders work in the US now and often change sites as they move from one project to the next. By employing the outsourcing agencies, the American companies are, in fact, increasing their profitability. In the case of visas, the American government has introduced a quota system which is grossly inadequate. There is a strong case for increasing the number of visas. The employees working at client locations in the US are issued H-1B visas, which have a cap of 65,000 a year. **The US Congress in recent months has been considering bills that seek to triple the cap of H-1B visas to 195,000. There is, however, a growing discontent about the H-1B visa process among skilled workers in the US, who say the visas are a way for big companies to hire cheaper foreign workers.** The fact is that **the visa issue has been a bone of contention between the Republican and Democratic parties. The Democrats will attempt to capture the Hispanic vote by being pro-immigration with a path to citizenship for illegals.** The **Republicans are more mixed but tend to be pro-business and therefore pro-H1B.** The US is the biggest market for the Indian IT services sector and immigration policy seems to be emerging as one of the most contentious issues during the run-up to 2016 presidential elections. Among the two announced candidates on the Democratic side, Senator Bernie Sanders is a critic of the H-1B visa programme. If he raises the temporary visa issue, it may be to challenge former Secretary of State Hillary Clinton’s support for raising the visa cap. Whatever its political ramifications in terms of US domestic politics, the investigation ordered against the Indian companies is not in sync with the US protestations of forging a strategic partnership with India. The US companies want to have access to the Indian market, which with a population of 1.2 billion is huge. They cannot have the cake and eat it too. They should be ready to give technically qualified Indians access to their job market if they want access to the Indian market for goods and services.

**No Internal Link – No High-Skilled Worker Shortage**

[ ]

**[ ] Census data proves that there is not a shortage of high-skilled workers.****Lee, analyst at Brietbart, 2014**

(Tony, "CBS: CENSUS DATA SHOW U.S. DOESN'T HAVE SHORTAGE OF STEM WORKERS," <http://www.breitbart.com/big-government/2014/07/12/cbs-census-data-show-us-doesn-t-have-shortage-of-stem-workers/>)

After **the Census Bureau reported on Thursday that "74% of those with a bachelor's degree in these subjects don't work in STEM (science, technology, engineering, math) jobs,"** CBS News concluded that the new data suggest that notion "is largely a myth." Census sociologist Christin Landivar noted that **though "STEM graduates have relatively low unemployment," they are "not employed in STEM occupations."** The high-tech industry, like Mark Zuckerberg's FWD.us, has received largely a free pass on the issue in pushing for drastic increases in the number of guest-worker visas in amnesty legislation. That has puzzled some of the top scholars, especially in light of **reports from liberal, nonpartisan, and conservative organizations that have all shown that the country has a surplus—and not a shortage—of American high-tech workers.** As Breitbart News has reported, a Center for Immigration Studies (CIS) report found that, **from 2007-2012, "the number of new immigrants with STEM degrees admitted each year [was] by itself higher than the total growth in STEM employment."** That report was "consistent with research from Georgetown University, the Economic Policy Institute (EPI), the Rand Corporation, the Urban Institute, and the National Research Council, which have also found no evidence that America has a shortage of high-tech workers." In addition, four nonpartisan scholars have also debunked the notion that there is a shortage of STEM workers. Ron Hira, a public policy professor at the Rochester Institute of Technology, "said **there are 50% more graduates than job openings in the STEM fields.**" He has also repeatedly emphasized that the IT sector has been "an area of social mobility," and increasing the number of visas without questions takes jobs away from American workers and lowers the wages of those who do find STEM jobs.

**No Internal Link – Visas Don't Solve**

[ ]

[ ] **Visas don't solve---high-skilled workers don't want to come here****Herman**, founder of Richard T. Herman & Associates, **2010**

(Founder of Richard T. Herman & Associates, an immigration and business law firm in Cleveland, Ohio which serves a global clientele in over 10 languages. He is the co-founder of a chapter of TiE, a global network of entrepreneurs started in 1992 in Silicon Valley, Richard and Robert, "Why Immigrants Can Drive the Green Economy," 6/23, <http://www.immigrationpolicy.org/perspectives/why-immigrants-can-drive-green-economy>)

**After revealing the high-skill visa backlog in 2007**, Vivek Wadhwa and his **researchers at Duke University began to examine the impact.** With the support of the Kauffman Foundation, **they surveyed about 1,200 Chinese and Indian professionals** who had studied or worked in America and returned home. The returnees were an impressive bunch, overwhelmingly young, smart, and ambitious, as described in the March 2009 report, "America's Loss is the World's Gain." Nearly 90 percent held master's or doctorate degrees. Many said they expected to start their own companies. Homesickness was common among the immigrants who went back, and **many expressed frustration with the U.S. immigration system. But even more said the home country suddenly offered good jobs and bright career prospects.** That is the new reality that demands a response, Wadhwa argues. **Foreign-born mathematicians, engineers, and chemists can now find world-class companies in Bangalore, Beijing, Tel Aviv, Seoul, and Singapore.** With high-tech opportunities blossoming elsewhere, and anti-immigrant attitudes hardening in America, Wadhwa said his adopted homeland faces a crisis. **"The United States is no longer the only place where talented people can put their skills to work,"** he writes. "It can no longer expect them to endure the indignities and inefficiencies of an indifferent immigration system, and it must now actively compete to attract these people with good jobs, security and other amenities."

**No Impact – Won't Affect Economy**

**[ ] No correlation between higher-skilled worker bias and economic growth—this evidence is comparative**

**Xie, Georgetown Public Policy Master's candidate, 2015**

(Fangye, "Skilled immigration and national wage growth: An international perspective," Thesis submitted to Georgetown's Graduate School of Arts and Science, 4/7/15, [https://repository.library.georgetown.edu/bitstream/handle/10822/760995/Xie\\_georgetown\\_0076M\\_12922.pdf?sequence=1&isAllowed=y](https://repository.library.georgetown.edu/bitstream/handle/10822/760995/Xie_georgetown_0076M_12922.pdf?sequence=1&isAllowed=y), p. 20-22, IC)

The measure for skilled-immigration in this paper differs from that in literature significantly. In most studies, skilled-immigration is described as a fraction of the total population of either receiving country of sending country in the form of immigration or emigration rate. The measure of skilled-immigration in **this assessment has put the emphasis of gauging skilled immigrants relative to its unskilled counterparts**. It better reflects the countries preference and capacity of attracting skilled-workers overseas from a comparative angle. In other words, **it is a good indicator of skills-bias within countries' immigration policymaking**, or policy response to ever changing economic climates. As an example, countries like the United States are currently receiving 33.3 percent of skilled immigrants as the world largest importer of global talents. However, its skilled-immigration ratio, in this assessment, ranked only 6th, falling behind Canada, New Zealand, Israel, Iceland and Spain, given that United States attracts as many unskilled as skilled immigrations. However, findings of this study imply that **countries favoring skilled-immigrants**, actively or passively, **have not witnessed significantly stronger wage growth than countries favoring unskilled-immigrants**. Moreover, taking into consideration the countries' initial status, the model suggest that **within one country, the shifting of policy towards skills-oriented system would indeed witness negative wage growth**. However, this assessment does not map the occupations of skilled immigrants due to the lack of national wage rate at sector level. By simply aggregating the absolute amount of working immigrants with higher education in comparison with its unskilled counterparts, **the assessment** might have **included high-skilled workers who turned out entering low-skilled cells. This would** partially help **explain why this model finds no significant positive relationship** as anticipated and deviates from Friedberg (2001)'s and Bonin (2005)'s positive wage effect, where they strictly defined skilled-immigrants' entering of high-skilled sectors.B) Policy Recommendations. Indeed, taking a look back at chart 3.2, it is inevitably true that, almost all countries (with Mexico as the only exception) are increasing their skills-bias (Papademetriou et al. 2009) in policy making, presumably as a response to the 2008 financial crisis. Low-skilled rather than high-skilled migrants are confronting with stricter constrains, making the skilled-immigration ratio rise sharply especially in countries that response promptly and take action effectively. However, this study suggests that, this policy shifting is neither witnessed by stronger wage growth, nor associated with higher productivity growth. Adaptive works should be done to facilitate OECD countries' absorbing of global talents. Otherwise, countries should be more prudent in leveraging their skilled immigration ratio further up.

## Impact Turn – Decreased Wages

[ ]

[ ] **Increased high-skill workers result in decreased wages, offshoring, and hurts new immigrants**

**Salzman**, Rutgers public policy professor, **2015**

(Hal, also the Senior Faculty Fellow at the John J. Heldrich Center for Workforce Development with a PhD from Brandeis, “Statement at Senate Hearing on Immigration Reforms Needed to Protect Skilled American Workers,” Senate Committee on the Judiciary Conference Paper, 3/17/15, [http://www.researchgate.net/profile/Hal\\_Salzman2/publication/274070236\\_Statement\\_at\\_Senate\\_Hearing\\_on\\_Immigration\\_Reforms\\_Needed\\_to\\_Protect\\_Skilled\\_American\\_Workers/links/551406b20cf2eda0df303b71.pdf](http://www.researchgate.net/profile/Hal_Salzman2/publication/274070236_Statement_at_Senate_Hearing_on_Immigration_Reforms_Needed_to_Protect_Skilled_American_Workers/links/551406b20cf2eda0df303b71.pdf), p. 25-26)

Analysis of the data finds that **high-skill guest worker programs supply the preponderance of all new hires for the IT industry.** The inflow of guest workers is equal to half of all IT hires each year and fully two-thirds of annual hires of workers younger than 30. As the wage analyses show, **wages in IT jobs have been stagnant for over a decade while quest-workers have steadily increased,** now comprising 40 percent or more of all current workers in some computer occupations. **The evidence strongly indicates that the current levels of quest-worker supply are a key factor in the depressed wages of U.S. IT workers,** by both providing a large supply of entry-level and early-career workers that can be legally substituted for U.S. workers and, in particular, substitute younger quest-workers for older incumbent workers (again, this is permissible within the current law). Important to note is that **the large supply of quest-workers is required by IT services firms for them to profitably support offshore development.** That is, as stated in these companies’ SEC filings, **without a large supply of quest-workers they would be unable to move IT work offshore** at competitive rates. **At the very least, they would have to hire U.S. workers** for the portion of their workforce on assignment in the U.S. (and the growth of “domestic sourcing” firms suggests alternative business models are viable). As increases in the supply of quest-workers are being debated and proposals developed to speed the path to green cards, **U.S. colleges are already graduating more than twice as many STEM graduates than the number of STEM openings** generated by our economy each year. In short, **the overwhelming evidence does not support a need for the escalating numbers of new quest-workers** called for in the I-Squared legislation, S. 744, or The SKILLS Act. As Figure 11 shows, increases of the magnitude proposed would supply quest-workers for more than 100 percent of the industry’s hiring needs. **Such increases can only exacerbate current trends of stagnant wages and poor career opportunities** in IT and STEM fields. In particular, the likely impact of **large-scale quest-worker programs,** which stand to hurt all STEM graduates, **will have especially negative impacts on minorities who are underrepresented in high tech, as well as other, recently arrived foreign-born workers** who compete most with newcomers.

## Impact Turn – American Jobs

[ ] Turn—bill crowds out American STEM students

Yang, reporter for Washington Post, 13

(Jia Lynn, reporter for Washington Post, “Study finds there may not be a shortage of American STEM graduates after all” [http://www.washingtonpost.com/business/economy/study-there-may-not-be-a-shortage-of-american-stem-graduates-after-all/2013/04/24/66099962-acea-11e2-a8b9-2a63d75b5459\\_story.html](http://www.washingtonpost.com/business/economy/study-there-may-not-be-a-shortage-of-american-stem-graduates-after-all/2013/04/24/66099962-acea-11e2-a8b9-2a63d75b5459_story.html) 4/24/13)

If there's one thing that everyone can agree on in Washington, it's that the country has a woeful shortage of workers trained in science, technology, engineering and math — what's referred to as STEM. **President Obama has said that improving STEM education is one of his top priorities.** Chief executives regularly come through Washington complaining that they can't find qualified American workers for openings at their firms that require a science background. And armed with this argument in the debate over immigration policy, lobbyists are pushing hard for more temporary work visas, known as H-1Bs, which they say are needed to make up for the lack of Americans with STEM skills. But not everyone agrees. **A study released Wednesday by the left-leaning Economic Policy Institute reinforces** what a number of researchers have come to believe: **that the STEM worker shortage is a myth.** The EPI study found that **the United States has “more than a sufficient supply of workers available to work in STEM occupations.” Basic dynamics of supply and demand would dictate that if there were a domestic labor shortage, wages should have risen.** Instead, **researchers found, they've been flat, with many Americans holding STEM degrees unable to enter the field and a sharply higher share of foreign workers taking jobs** in the information technology industry. (IT jobs make up 59 percent of the STEM workforce, according to the study.)\_an urgency that The answer to whether there is a shortage of such workers has important ramifications for the immigration bill. If it exists, then there's justifies allowing companies to bring more foreign workers into the country, usually on a short-term H-1B visa. But those who oppose such a policy argue that companies want more of these visas mainly because H-1B workers are paid an estimated 20 percent less than their American counterparts. Why allow these companies to hire more foreign workers for less, the critics argue, when there are plenty of Americans who are ready to work? **The EPI study said that while the overall number of U.S. students who earn STEM degrees is small — a fact that many lawmakers and the news media have seized on — it's more important to focus on what happens to these students after they graduate.** According to the study, they have a surprisingly hard time finding work. **Only half of the students graduating from college with a STEM degree are hired into a STEM job, the study said.** “Even in engineering,” the authors said, “U.S. colleges have historically produced about 50 percent more graduates than are hired into engineering jobs each year.” The picture is not that bright for computer science students, either. “For computer science graduates employed one year after graduation . . . about half of those who took a job outside of IT say they did so because the career prospects were better elsewhere, and roughly a third because they couldn't find a job in IT,” the study said. While liberal arts graduates might be used to having to look for jobs with only tenuous connections to their majors, the researchers said this shouldn't be the case for graduates with degrees attached to specific skills such as engineering. The tech industry has said that it needs more H-1B visas in order to hire the “best and the brightest,” regardless of their citizenship. Yet the IT industry seems to have a surprisingly low bar for education. The study found that among IT workers, 36 percent do not have a four-year college degree. Among the 64 percent who do have diplomas, only 38 percent have a computer science or math degree. The bipartisan immigration plan introduced last week by the so-called Gang of Eight senators would raise the number of H-1B visas, though it would limit the ability of outsourcing firms to have access to them. Tech companies such as Facebook and Microsoft have fought hard to distinguish themselves from these outsourcing companies, arguing that unlike firms such as Wipro, they're looking for the best people, not just ones who will work for less. **But some worry that the more H-1Bs allowed into the system, the more domestic workers get crowded out, resulting in what no one appears to want: fewer American students seeing much promise in entering STEM fields.**



## Uniqueness Overwhelms – China Can't Catch Up

[ ]

[ ] USA is on top and will continue to be—we have the consensus of corporations.

### **The Register, 2013**

(Phil Muncaster, citing a study done by JPMG, one of the largest professional services companies providing audit, advisory, and tax services, "China slips behind US in technology innovation stakes," The Register, [http://www.theregister.co.uk/2013/07/12/innovation\\_china\\_lags\\_behind\\_us/](http://www.theregister.co.uk/2013/07/12/innovation_china_lags_behind_us/))

China may be driving much of the global economy, but **a survey of global technology executives believes the good old US of A will be the source of the next big disruptive technology breakthrough.** KPMG is the source of this assertion, which it makes **after interviewing over 800 leaders** of entities that range from start-ups to large enterprises and included VC firms. **All were asked to identify key trends in innovation.** While China tied in first place with the US in 2012, **this year's Global Technology Innovation survey found the States clearly ahead. Some 37 per cent of respondents said they believed it would foment the biggest breakthroughs, with China down to 24 per cent.** The stats are reflected in the fact that **fewer execs (33 per cent) than in 2012 (44 per cent) believe the innovation centre of the world would shift away from Silicon Valley** to another country in the next four years. Even **those respondents in China who thought a shift was likely fell from 60 per cent to 49 per cent.**

**No Impact – No War**

[ ] **No US-China war will ever happen. Two reasons: geography and nuclear deterrence.**

**Keck**, Associate Editor of The Diplomat, **2013**

(Zachary, 7/12/2013, The Diplomat, “Why China and the US (Probably) Won’t Go to War”, <http://thediplomat.com/2013/07/why-china-and-the-us-probably-wont-go-to-war/>, accessed 7/8/2014)

But while trade cannot be relied upon to keep the peace, **a U.S.-China war is virtually unthinkable because of two other factors: nuclear weapons and geography.** The fact that both the U.S. and China have nuclear weapons is the most obvious reasons why they won’t clash, even if they remain fiercely competitive. This is because war is the continuation of politics by other means, and nuclear weapons make war extremely bad politics. Put differently, **war is fought in pursuit of policy ends, which cannot be achieved through a total war between nuclear-armed states.** This is not only because of nuclear weapons destructive power. As Thomas Schelling outlined brilliantly, nuclear weapons have not actually increased humans destructive capabilities. In fact, there is evidence to suggest that wars between nomads usually ended with the victors slaughtering all of the individuals on the losing side, because of the economics of holding slaves in nomadic “societies.” What makes nuclear weapons different, then, is not just their destructive power but also the certainty and immediacy of it. While extremely ambitious or desperate leaders can delude themselves into believing they can prevail in a conventional conflict with a stronger adversary because of any number of factors—superior will, superior doctrine, the weather etc.—none of this matters in nuclear war. **With nuclear weapons, countries don’t have to prevail on the battlefield or defeat an opposing army to destroy an entire country, and since there are no adequate defenses for a large-scale nuclear attack, every leader can be absolute certain that most of their country can be destroyed** in short-order in the event of a total conflict. Since no policy goal is worth this level of sacrifice, the only possible way for an all-out conflict to ensue is for a miscalculation of some sort to occur. Most of these can and should be dealt by Chinese and the U.S. leaders holding regularly senior level dialogues like the ones of the past month, in which frank and direct talk about redlines are discussed. These can and should be supplemented with clear and open communication channels, which can be especially useful when unexpected crises arise, like an exchange of fire between low-level naval officers in the increasingly crowded waters in the region. While this possibility is real and frightening, it’s hard to imagine a plausible scenario where it leads to a nuclear exchange between China and the United States. After all, at each stage of the crisis leaders know that if it is not properly contained, a nuclear war could ensue, and **the complete destruction of a leader’s country is a more frightening possibility than losing credibility among hawkish elements of society.** In any case, measured means of retaliation would be available to the party wronged, and behind-the-scenes diplomacy could help facilitate the process of finding mutually acceptable retaliatory measures. **Geography is the less appreciated factor that will mitigate the chances of a U.S.-China war, but it could be nearly as important as nuclear weapons.** Indeed, geography has a history of allowing countries to avoid the Thucydides Trap, and works against a U.S.-China war in a couple of ways. First, both the United States and China are immensely large countries—according to the Central Intelligence Agency, **the U.S. and China** are the third and fourth largest countries in the world by area, at 9,826,675 and 9,596,961 square km respectively. They also **have difficult topographical features and complex populations. As such, they are virtually unconquerable by another power.** This is an important point and differentiates the current strategic environment from historical cases where power transitions led to war.

# **DREAM Act Counterplan**

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## **Summary**

This Negative position provides an alternative policy proposal to the Affirmative's plan. What is important to note is that the Negative team has to prove competition; the Affirmative's plan and this plan cannot happen simultaneously. This means that the Negative team should always run a disadvantage that the plan causes but this counterplan does not.

The counterplan argues that the federal government should instead pass the DREAM Act that provides deportation protection for those illegal immigrant children and young adults who have lived the majority of their lives in the United States and are clearly contributing to our society (especially in the context of attending college). This would be a more tenable option for creating a legal pathway to citizenship without reversing our immigration laws.

In terms of strategic options, the counterplan would have the benefit of avoiding the harmful impacts of the Guest Worker Visa disadvantage, since the DREAM Act is a lot more palatable to Republicans than the full-scale stoppage of illegal immigration surveillance. There are reasonable cases to be made that this counterplan could also avoid the other generic disadvantages in the rest of the Varsity packet. It is up to the discretion of the debater to choose which positions could both complement the counterplan as well as prove the harmful impacts of the plan.

It is highly recommended that if you choose to run this counterplan, you do not run another counterplan in the packet. This would spread out the debate and the round would lose focus on the specific topic being discussed.

## Glossary

**Asylum:** Asylum is when a host country protects someone who is unsafe in another country due to political, religious, racial, and social reasons by allowing that person to stay in the host country.

**Citizenship:** Citizenship is a status of belonging to a certain country or nation. Citizenship gives certain rights like the right to vote, work and receive an education.

**The College Board:** The College Board oversees college entrance exams, testing for college credit and distributing information to seniors on how to apply to college.

**DREAM Act:** The DREAM Act (Development, Relief, and Education for Alien Minors) paves the way for undocumented immigrants to gain access to higher education.

**Deportation:** The action of expelling someone from a country and bringing them back to the country they originated from.

**Human Rights Watch:** The Human Rights Watch is an international non-government organization that oversees human rights by working on research, advocacy, and awareness of human rights violations and working to ensure that every human has their rights.

**Higher Education:** Higher Education is education beyond high school for example having a Bachelors or Masters degree.

**Legalized Immigrants:** Legalized Immigrants are immigrants who are legally allowed into the country and have papers proving that they can work, like a green card or a residence card.

**Stimulus Policy:** A Stimulus Policy increases public spending in order to stimulate the economy or make the economy grow.

**Undocumented Immigrants:** Undocumented Immigrants are illegal immigrants who don't have papers, such as a social security card or green card, allowing them to be in the U.S.

**Visa:** A visa is a passport or a form of identification that proves that one is allowed into a country for a specified amount of time and/or purpose.

## 1NC Shell

**Counterplan: The United States federal government should pass the Development, Relief, and Education for Alien Minors (DREAM) Act of 2011.**

1. The Counterplan claims the following net benefits: \_\_\_\_\_.
2. Counterplan Solves: The DREAM ACT provides economic opportunity for immigrants and grows the economy without increasing surveillance.

**Immigration Policy Center 2010**

(THE DREAM ACT: Creating Opportunities for Immigrant Students and Supporting the U.S. Economy, [immigrationpolicy.org/sites/default/files/docs/Dream\\_Act\\_071310\\_0.pdf](http://immigrationpolicy.org/sites/default/files/docs/Dream_Act_071310_0.pdf))

**The DREAM Act would give beneficiaries access to greater educational opportunities and better jobs**, which in turn means more taxable income: **A 2010 study by the UCLA North American Integration and Development Center estimates that the total earnings of DREAM Act beneficiaries over the course of their working lives would be between \$1.4 trillion and \$3.6 trillion.**<sup>19</sup> A 2008 study from Arizona State University found that an individual with a bachelor's degree earns approximately \$750,000 more over the course of his or her lifetime than an individual with only a high school diploma.<sup>20</sup> As of 2006, workers without a high-school diploma earned \$419 per week and had an unemployment rate of 6.8 percent. Workers with a bachelor's degree earned \$962 per week and had an unemployment rate of 2.3 percent, while workers with a doctoral degree earned \$1,441 per week and had an unemployment rate of 1.4 percent.<sup>21</sup> A study by the College Board found that over the course of their working lives, the average college graduate earns in excess of 60 percent more than a high-school graduate, and workers with advanced degrees earn two to three times as much as high school graduates.<sup>22</sup> **The U.S. Department of Labor found that the wages of immigrants in the 1986 legalization increased 15 percent over five years, and that the immigrants move on to "significantly better jobs."**<sup>3/4</sup> **The DREAM Act would allow legalized immigrants to invest in the U.S. economy: Dr. Raul Hinojosa-Ojeda of the University of California, Los Angeles, and others have studied the impact of legalization and found important long-term improvements among previously undocumented immigrants. Specifically, removing the uncertainty of undocumented status allows legalized immigrants to earn higher wages and move into higher-paying occupations, and also encourages them to invest more in their own education, open bank accounts, buy homes, and start businesses.**<sup>25</sup> <sup>3/4</sup> **The DREAM Act would save taxpayers money: A RAND study from 1999 shows that raising the college graduation rate of Hispanics to that of non-Hispanic whites would increase spending on public education by 10 percent nationwide, but the costs would be more than offset by savings in public health and benefits, as well as increased tax revenues resulting from higher incomes.** For example, a 30-year-old Mexican immigrant woman with a college degree will pay \$5,300 more in taxes and use \$3,900 less in government expenses each year compared to a high-school dropout with similar characteristics.<sup>26</sup>

## AT: No Solvency – College Costs

[ ]

[ ] The DREAM Act still allows over 65,000 undocumented immigrants per year to work legally which helps the economy by increasing the amount of people contributing to the workforce and tax base.

National Immigration Law Center, 2009

(Economic Benefits of the DREAM Act, <http://www.nilc.org/DREAM-econbens-2009-03-26.html>)

Why is the DREAM Act needed? **Each year about 65,000 U.S.-raised students who would qualify for the DREAM Act's benefits graduate from high school.** These include honor roll students, star athletes, talented artists, homecoming queens, and aspiring teachers, doctors, and U.S. soldiers. They are young people who have lived in the U.S. for most of their lives and desire only to call this country their home. Even though they were brought to the U.S. years ago as children, **they face unique barriers to higher education, are unable to work legally in the U.S., and often live in constant fear of detection by immigration authorities.** **The DREAM Act will prepare the country for a new, global economy.** Today's global economy depends on the creation, acquisition, distribution, and use of knowledge, and this requires an educated and skilled population. **Passage of the DREAM Act would add thousands of talented, motivated, multilingual and multicultural people into our workforce. Passage of the DREAM Act will increase tax revenues for cash-strapped federal, state, and local governments. Newly legalized students would earn more and pay more in taxes. A RAND study showed that a 30-year-old Mexican immigrant woman who graduates from college will pay \$5,300 more in taxes and cost \$3,900 less in government expenses each year than if she had dropped out of high school. This amounts to an annual fiscal benefit of over \$9,000 per person every year, money that can be used to pay for the education of others.** The DREAM Act is a stimulus policy. As President Obama said in his address to Congress, **creating an educated workforce will stimulate our economy, increase productivity, and help the U.S compete in the global economy.** Students who would benefit from the DREAM Act are our future teachers, doctors, nurses, and lawyers. **The DREAM Act will allow thousands of immigrant students to access higher education and maximize their contributions to our economy and communities.**



**AT: No Solvency – Financial Instability**

[ ]

[ ] Even with loans, the DREAM Act is a better financial option for undocumented immigrants.

Nil, immigration reporter for ThinkProgress, 2010

(New Study Cites DREAM Act Economic Benefits, <https://www.laprogressive.com/dream-act-economic-benefits/>)

More specifically, the report concludes, **“In the No DREAMers Left Behind scenario, 2.1 million undocumented immigrants would become legalized and generate approximately \$3.6 trillion” over a 40-year period. Another positive effect of the DREAM Act would be that “[a] higher supply of skilled students would also advance the U.S. global competitive position in science, technology, medicine, education and many other endeavors.”** These findings are especially significant given the nation’s falling level of educational attainment. As Wonk Room economics blogger Pat Garofalo notes, “By 2025, according to estimates by the Lumina Foundation, our nation will be short 16 million college-educated workers. This will have real consequences for both the economy as a whole and for individual workers.” In the past, the College Board has indirectly supported the report’s conclusions, stating, **“In strictly economic terms, the contributions that DREAM Act students would make over their lifetimes would dwarf the small additional investment in their education beyond high school, and the intangible benefits of legalizing and educating these students would be significant.”** The reasoning behind the report’s findings is pretty straightforward. **The DREAM Act provides young undocumented immigrants who were brought to the U.S. through no fault of their own with the opportunity to get on a path to legalization by attaining a college education or serving in the military. As a result, those who qualify for the DREAM Act will also have access to better economic opportunities than they would if they were working without a visa in the shadows of the economy.**

**AT: No Solvency – Very Few Qualify**

[ ]

[ ] Over 2.1 million minors are not too few. And at least 65,000 graduates would benefit from reduced barrier to college.

**Amnesty International, 2011**

(Student Activist Toolkit 2011,

[www.amnestyusa.org/pdfs/AmnestyInternational\\_DREAM\\_Act\\_ToolKit\\_2011%20FINAL.pdf](http://www.amnestyusa.org/pdfs/AmnestyInternational_DREAM_Act_ToolKit_2011%20FINAL.pdf))

DREAM Act's path to legalization for eligible young people. **With legal status made possible under the DREAM Act, it offers young people a form of protection from many human rights abuses, such as arbitrary arrests, detention and deportations, currently experienced by thousands of young people who entered the U.S. as children.** WHO: **Over 2.1 million minors in the United States may be subject to deportation and every year an estimated 65,000 undocumented high school graduates are unable to pursue a further education.** Many of these students live in constant fear of detention and deportation if exposed to immigration authority. A denial of access to justice and arbitrary arrests and detention make it very difficult for students and their families to defend their cases, even when they are eligible for asylum, an immigration visa, or another avenue to stay legally in the U.S. **While the Department of Homeland Security's Secretary Janet Napolitano has said that DREAM Act students were "not the priority" when it came to enforcing immigration laws, DREAMers continue to be deported.** Most DREAMers never have a fair chance to go before a judge and tell their story before being deported. **Without any real avenue to acquire legal status, oftentimes many students who graduate from high school have limited options to continue their studies, or work and stay in the only country they know.**

**AT: No Solvency – Families Deported (1/2)**

**[ ] The DREAM Act protects the human rights of young immigrants and enhances the quality of life for immigrant families through access to education**

**Loha, Human Right to Housing Director at NESRI, 2012**

(The National Economic and Social Rights Initiative, Tanuka Loha, Immigrants' Rights: DREAM Act, [http://www.amnestyusa.org/pdfs/federal\\_toolkit\\_final.pdf](http://www.amnestyusa.org/pdfs/federal_toolkit_final.pdf))

Roughly 2.1 million undocumented minors currently reside here – they immigrated to the United States with their parents while they were children. Many of these young individuals would like to pursue higher education but often their immigration status, and its implications, stands in the way. This leaves around 65,000 undocumented high school graduates per year struggling to continue with their higher education. **Passing the DREAM Act would allow these young members of our communities to realize their human right to access education, secure the unity of their families, and be free from certain forms of discrimination.**

**The Development, Relief, and Education for Alien Minors (DREAM) Act, (S. 952/H.R. 1842), would provide conditional legal status to those currently undocumented young migrants who entered the U.S. before the age of 16,** have lived in the U.S. continuously for at least 5 years, and have earned their high school diploma or GED. After 6 years, individuals meeting these criteria will have an opportunity to permanently legalize their status, subject to having a “good moral character”, completing at least two years of higher education or uniformed service, and meeting additional requirements under the law. **Article 26 of the Universal Declaration of Human Rights states that “Everyone has the right to education...and higher education shall be equally accessible to all on the basis of merit.”** Amnesty International stands in solidarity with the DREAMers and DREAM coalitions. Amnesty International has supported the DREAM Act for many years because it advances the right to education for undocumented students in the U.S., many of whom came to this country as small children and have often known no other home. **The right to education is guaranteed under international human rights instruments** (such as the International Covenant on Economic, Social, and Cultural Rights, which the U.S. has signed but not ratified, and the Universal Declaration of Human Rights, which the U.S. played a significant role in drafting). In addition to the international obligations to respect, protect, and fulfill the human rights of all individuals who reside in the U.S., **the U.S. Government should uphold the right to education in the interests of combating discrimination and creating an environment in which human rights are respected and can thrive for all** – after all, our entire society benefits when all members of our communities are able to access education and make their valuable contributions. **Education has been a crucial battleground in the fight for human rights in the U.S. for many years** - while significant advances have been made to date, many important struggles are clearly still to be won. On June 15, 2012, President Obama announced the Department of Homeland Security’s **guidelines on exercising prosecutorial discretion on the detention and deportation of DREAM-eligible students.** While this guidance provides temporary relief to many young students, it neither **ensures that DREAMers gain equal access to education nor provides a stable and permanent solution for DREAMers and their families.** The passing of the 2011 DREAM Act would provide more security for the DREAMers – a sizeable part of our population – and protect their right to education.

## AT: No Solvency – Families Deported (2/2)

[ ] The DREAM Act ensures that human rights abuses are curtailed by maintaining family unity.

**Ginatta**, advocacy director for the US Program at Human Rights Watch, **2010**

(US: Senate Should Pass the DREAM Act, <http://www.hrw.org/news/2010/11/29/us-senate-should-pass-dream-act>)

**When facing removal, these young immigrants risk being torn apart from their family.** The International Covenant on Civil and Political Rights (ICCPR), a core human rights treaty ratified by the US in 1992, states that "**[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the state.**"<sup>[2]</sup> **The importance of family unity has been recognized by the US Supreme Court, which has held that the "right to live together as a family" is an important right deserving constitutional protection, and that "the institution of the family is deeply rooted in this Nation's history and tradition."**<sup>[3]</sup> **By providing a path to legal status for eligible youth, the DREAM Act recognizes the importance of family bonds. Human Rights Watch strongly believes that passing the DREAM Act would show a commitment by the United States to respect the human rights of immigrant youth who have resided in the country for a considerable amount of time.**

**AT: Turn – Military Coercion**

[ ]

**[ ] Greater access to college hurts military recruitment**

**Kleykamp**, Princeton University, Office of Population Research, **2006**  
(Meredith, Social Science Quarterly, vol. 87, no. 2 June 2006 p.274)

Research on educational aspirations consistently shows that a large share of high school students report plans to attend college, and that an even larger share aspires to do so. **Rising college enrollments, driven by increased access to higher education by minorities and the rising returns to a college degree, contributed to the growing military recruiting difficulties in the 1990s by drawing a large number of the valued “high-quality” recruits away from military enlistment and into both two- and four-year colleges** (Bachman, Freedman-Doan, and O'Malley, 2001). Though enrollments have been increasing over the past decade, the cost of attending college has risen dramatically. Between 1992 and 2001, tuition at a four-year public college rose faster than family income in 41 states (National Center for Public Policy and Higher Education, 2002). Financial aid in the form of grants has not kept pace with the increases in tuition, and students are taking on a greater debt load to attend college.

# **DREAM Act Counterplan Affirmative**

## DREAM Act Counterplan Affirmative Answers – Table of Contents

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## **Summary**

In order to defeat the DREAM Act counterplan, the Affirmative team should take utilize both evidentiary arguments and analytical arguments. The bulk of the evidence in this packet focuses on whether or not the DREAM Act will solve the same problems as the affirmative plan. In general, the debate will narrow down to focus on comparing the efficacy of either option.

However, there are other ways to answer this counterplan that doesn't rely on evidence. One of the things to consider is if there is a way to accomplish both the Affirmative plan and the counterplan at the same time. If there is a way to do that, then there would be no reason to reject the Affirmative plan. This argument, called a permutation, relies on a specific text that combines the two policy options. It is left up to the debater to create this text and use it in the round.



## Glossary

**Asylum:** Asylum is when a host country protects someone who is unsafe in another country due to political, religious, racial, and social reasons by allowing that person to stay in the host country.

**Citizenship:** Citizenship is a status of belonging to a certain country or nation. Citizenship gives certain rights like the right to vote, work and receive an education.

**The College Board:** The College Board oversees college entrance exams, testing for college credit and distributing information to seniors on how to apply to college.

**DREAM Act:** The DREAM Act (Development, Relief, and Education for Alien Minors) paves the way for undocumented immigrants to gain access to higher education.

**Deportation:** The action of expelling someone from a country and bringing them back to the country they originated from.

**Human Rights Watch:** The Human Rights Watch is an international non-government organization that oversees human rights by working on research, advocacy, and awareness of human rights violations and working to ensure that every human has their rights.

**Higher Education:** Higher Education is education beyond high school for example having a Bachelors or Masters degree.

**Legalized Immigrants:** Legalized Immigrants are immigrants who are legally allowed into the country and have papers proving that they can work, like a green card or a residence card.

**Stimulus Policy:** A Stimulus Policy increases public spending in order to stimulate the economy or make the economy grow.

**Undocumented Immigrants:** Undocumented Immigrants are illegal immigrants who don't have papers, such as a social security card or green card, allowing them to be in the U.S.

**Visa:** A visa is a passport or a form of identification that proves that one is allowed into a country for a specified amount of time and/or purpose.

**No Solvency – College Costs**

[ ]

[ ] **The DREAM Act fails because it ties citizenship to higher education when many immigrants cannot afford to go to college**

**Doyle, Elon University, 2013**

(Jack Doyle, The Dream Act: A Flawed Patch for the Cracked and Pothole-Filled Road to Citizenship, [http://www.elon.edu/e-web/academics/writing\\_excellence/contest/Contest%20Entry%20Doyle%20Research%20Essay.xhtml](http://www.elon.edu/e-web/academics/writing_excellence/contest/Contest%20Entry%20Doyle%20Research%20Essay.xhtml))

**The DREAM Act favors the children of those who came to the United States for educational purposes by making education a requirement for citizenship** – a requirement most likely to be met by those with higher GPAs and a greater motivation to pursue education. **It provides no means by which employment or skill can gain an immigrant child citizenship. This bias leads to certain children having an easier path to citizenship than others, which might lead to some children not gaining citizenship and remaining illegal.** As a result, the U.S. would lose valuable potential citizens and have to support more illegal immigrants than if the DREAM Act had no bias. If the United States wants to grant citizenship to those who are most willing to work hard, become skilled laborers, and be economic assets to the country, it needs to provide options for children of motivated immigrants who might focus on something other than education. While **the DREAM Act** provides motivation for immigrant children to get an education, it **does nothing to remove the barriers preventing them from doing so or to alleviate the financial burden that immigrant children pose to the education system. A report by the Foundation of Child Development shows that 45% of undocumented immigrants fail to reach the status of a high school graduate, and only 19% ever acquire a college degree** (Capps 2004). This data can make one think that illegal immigrants just do not put the same effort into schooling that Americans do, because many venues exist through which all people in the U.S. can get an education.

**No Solvency – Financial Instability**

[ ]

[ ] **The DREAM Act still provides no financial support and does not grant residency meaning that undocumented youth are still at risk of deportation.**

**Democracy Now! 2010**

(Debate: Is DREAM Act a Solution for Millions of Undocumented Youth or a Funnel for Military Recruitment? [http://www.democracynow.org/2010/8/20/debate\\_is\\_dream\\_act\\_a\\_solution](http://www.democracynow.org/2010/8/20/debate_is_dream_act_a_solution))

**The DREAM Act also does not allow undocumented youth, who have applied to the DREAM Act and who qualify for the DREAM Act, to get Pell Grants or to get any kind of federal-based scholarships — only loans and work study, which is not sufficient to cover tuition.** The military has the Montgomery GI Bill. The military, through the National Guard and the Reserves, has tuition waivers. **The DREAM Act does not include anything along the lines of financial stability, anything along the lines of healthcare, anything along the lines of housing,** whereas the military has all of these things that it's in a position to offer to the vast majority of these 65,000 students who graduate every year, to say, "Come over here. We will teach you English. We will give you housing. We'll give you a steady paycheck. We'll give you all these things, if you serve in the military." The two-year option to serve in the military is also not a two-year option, because any military contract is eight years. No less than eight years. Whether it be a combination of two years of active service and eight years in the Reserves or four each or three and five, it doesn't matter. It's always eight years. And people are always subject to stop-loss. **On top of that, the DREAM Act does not grant residency. It grants conditional, temporary residency, which means that at any given point between the time that the person applies for the DREAM Act, there's a period of six years when this person is not even eligible to apply for permanent residency and is subjected to be deported just like any other undocumented immigrant here.**

**No Solvency – Very Few Qualify**

[ ]

[ ] **Very few students qualify for the DREAM Act****Batara Immigration Law 2015**

(The DREAM Act Reality: Not All Immigrant Students Qualify,  
<http://www.bataraimmigrationlaw.com/riverside-san-bernardino-dream-act.html>)

The DREAM Act Reality: **Not All Immigrant Students Qualify** Most of the public discussion on the DREAM Act has focused on students who are at the top of their classes. At local schools – like California State University, San Bernardino, University of California at Riverside, and California State University, San Diego – the DREAM Act has received strong support from students, faculty, and administrators. But there is another, quite disappointing side to the DREAM Act. **Many immigrant students will not be able to meet the strict DREAM Act requirements. A recent study** conducted by the Migration Policy Institute, an independent, nonpartisan, non-profit think tank dedicated to the study of the movement of people worldwide, **noted that only 38% of the immigrant children, who might technically qualify for the DREAM Act, will attain legal immigration status.** Contrary to the arguments of immigration opponents, this study demonstrates that the DREAM Act is not a rubber stamp amnesty. Although changes are still likely, here is the currently proposed process for the DREAM Act: First Step: **Immigrant children must show that they entered the United States before they were 16 years old lived here for five years before the date when the DREAM Act becomes law -and on the date when the DREAM Act becomes law graduated from a high school or earned a GED diploma,** or have been accepted into an institution of higher education (i.e., college) must be between the ages of 12 and 35 at the time of application have not committed any crimes and possess good moral character. **Applicants will also need to pay a hefty penalty fee and demonstrate fluency in English.** If they can fulfill these requirements, they will be granted conditional permanent residence for six years.

## No Solvency – Families Deported

[ ]

[ ] **The DREAM Act does not protect immigrant families from deportation.**

**Tabo**, Head of the Center for Legal Pedagogy at Texas Southern University, **2013**

(Tamara Tabo, *The Impossible DREAM (Act): Why This Immigration Question Is Just A Distraction*, <http://abovethelaw.com/2013/07/the-impossible-dream-act-why-this-immigration-question-is-just-a-distraction/>)

**Many immigration activists want family members of DREAMers to gain legal status too.** In a recent piece for Politico, Cesar Vargas, director of DREAM Action Coalition and a national activist for the DREAM Act, writes: The KIDS Act represents a step backwards for Republicans. Even the bill's very name is an insult: We DREAMers are no longer kids. We have grown as young adults in the country we call home. I am 29 years old, graduated law school and passed the bar exam. I have done everything that American society required of me. And one day, I hope to serve my country in the Armed Forces. Fair enough. Vargas hardly sounds like the drug mule Rep. King fears. Again, lots of us can endorse not deporting young adults who did not choose to enter the U.S. illegally as minors and now participate admirably in American society. (Discuss amongst yourselves whether going to law school counts as evidence for or against. See also here.) Vargas continues: While the details of [the proposed KIDS Act] are not yet public, what is certain is that the proposal, crafted by Majority Leader Eric Cantor and Judiciary Chairman Bob Goodlatte, does not unite families. **The proposal prioritizes DREAMers for citizenship but leaves our parents without the same opportunity, leaving them in the shadows at a time of record deportations.** See, there's the rub. **Many activists refuse to support the DREAM Act unless it allows families to stay in the country too.** Note that Vargas, for example, is 29. We are not here debating the deportation of custodial parents of minors while permitting the kids to legally remain. In short, it's not that sort of breakup of families. If you favor a path to citizenship (or "amnesty," if you like) for all but a few immigrants currently in the country illegally, then a family provision in the KIDS Act looks good. But if you want bipartisan support, you won't win much by demanding a family provision. Those who oppose sweeping immigration reform are unlikely to be persuaded that people who chose to enter the U.S. illegally — i.e., the parents of "DREAMers" — should be permitted to remain without penalty, even if their kids deserve that chance. Unless you already want a path to citizenship for all, what's so compelling about a 30-year-old living without his parents nearby? When else do we let the innocence and good behavior of adult children cancel out the knowing criminal conduct of their parents? **Even if the central idea behind the DREAM Act and the KIDS Act appeals to a large base, the family issue divides too deeply for either side to emerge from the debate satisfied.** Immigration reformers won't take less; anti-illegal-immigration stalwarts won't give more. If we apply these rules to future children brought to the U.S. illegally, parents are likely to place their children at risk by bringing them across a treacherous U.S.-Mexico border, a border that will remain dangerous so long as immigration is limited as it now is. What looks at first like legislation most of us can agree on turns out to be something that we should all agree is a half-hearted distraction from the bigger immigration debate. Why not focus our efforts on the more fundamental debate instead of getting caught up in the details of this one?

**No Solvency – Surveillance in Early Childhood**

[ ]

[ ] **DREAM Act fails because immigration surveillance can happen in early childhood.**

**Pabst**, reporter at Milwaukee Journal Sentinel, **2008**

(Georgia Pabst, Agents accused of using Head Start to track immigrants,

<http://www.chron.com/news/article/Agents-accused-of-using-Head-Start-to-track-1772721.php>)

**Immigration enforcement officials are now targeting migrant and seasonal Head Start centers in some states as part of efforts to track down illegal immigrants, the executive director of the National Migrant and Seasonal Head Start Association says.** Yvette Sanchez, president of the Washington, D.C.-based association, was in Milwaukee recently for a meeting of the national board of directors at United Migrant Opportunity Services Inc. **She said immigration surveillance is emerging as one of the top three issues for the group, comprising migrant and seasonal Head Start directors, staff, parents and friends.** Financial appropriations and the need for more bilingual materials are the others, she said. **Several kids and babies died in the fields because parents were fearful of sending them to Head Start,** she said in an interview. **Since early 2007, many of our programs started to notice that Border Patrol of Immigration and Customs Enforcement vehicles were parked outside their centers, and some were following buses picking up children,** she said. Jason Ciliberti, supervisory Border Patrol agent in Washington, D.C., said it's not the agency's policy to stake out Head Start centers. "It could have happened if we believe there was an immigration violation afoot, but it's not our policy or practice, I believe." Gail Montenegro, a spokeswoman with ICE in Chicago, said: "Generally, our operations avoid actions at school settings. ... However, we will take into custody during these targeted operations anyone encountered who may be in the country illegally." In testimony before the congressional subcommittee on work force protections in May, ICE officials were provided with a list of dates and places regarding ICE activities near migrant and seasonal Head Start programs in Florida, Tennessee, Georgia and New Mexico, according to a letter sent to ICE officials in Washington by the Congressional Hispanic Caucus.

**Turn – Military Coercion (1/2)****1. The DREAM Act will be used to exploit poor immigrant youth into joining the military.**

**Gonzalez**, PhD student in Cultural Foundations of Education at Syracuse University, 2014 (Martin Alberto, Good for who?: An examination of the DREAM Act using an interest convergence lens, <https://mrperez.expressions.syr.edu/immigration/gallery/the-school/gonzalez/>)

Despite some support by both conservatives and liberals in favor of the DREAM Act via incentivizing the military, **there are various concerns that arise due to such an emphasis placed on joining the military as a benefit of the DREAM Act.** For instance, in an interview regarding the growth in military recruitment of Asian Americans and other people of color, immigration scholar Tracy Buenavista stated, “The uptick has really been a result of these **racialized recruitment strategies**, where they’re coming up with programs that **make it more desirable for certain communities to enlist**” (Lanz and Vigeland, 2010). That is, **with very little alternatives and options**, Asian Americans and people of color along with undocumented immigrants will join the military even though it may not be the best move for them (Mariscal, 2004). Further, because **undocumented immigrants** will be targeted heavily in terms of enlisting in the military, they **will practically be coerced into joining if they plan on putting themselves in a better position for naturalization and to reap the benefits of the DREAM Act.** Furthermore, this desire to increase **military recruitment can easily result in the exploitation of undocumented immigrants without fulfilling any promises.** Buenavista and Gonzales (2011) posit that **history has demonstrated that the US has compelled particular undocumented groups of immigrants, specifically Filipinos during World War II, into joining the military without fulfilling its promises of inclusion** into the political, social, and economic realms of the US to a majority of those Filipinos who went to war and paid their dues, so to speak.

**Turn – Military Coercion (2/2)**

**2. Coercing young immigrants into the military is bad because it leads to people of color being overrepresented in terms of military recruitment and fatalities.**

**Gonzalez**, PhD student in Cultural Foundations of Education at Syracuse University, **2014** (Martin Alberto, Good for who?: An examination of the DREAM Act using an interest convergence lens, <https://mrperez.expressions.syr.edu/immigration/gallery/the-school/gonzalez/>)

**Unfortunately, the more undocumented immigrants are recruited into the military, the more likely it is for undocumented immigrants to lose their lives while in search of their US citizenship. Even though undocumented immigrants only make up about 3 percent of all military personnel on active duty, they account for a disproportionate amount of casualties, at 8 percent** (Buenavista, 2012). **In addition**, scholars (Kiang, 1991; Mariscal 2007, 2004; Ruef et al., 2000) have found that **not only were soldiers of color more likely to be sent to combat, but they also suffer from serious and detrimental combat-related disorders such as posttraumatic stress disorder at higher rates than their white counterparts. As history has shown, enlisting and serving in the military will not guarantee anything for undocumented immigrants;** therefore, Buenavista and Gonzales (2011) recommended that there should be a “removal of the military provisions in the DREAM Act to reduce the vulnerability of undocumented immigrants to military service and premature death” (p. 35). Thus, the benefits that the US will reap if the military provision in the DREAM Act is left as is will outweigh the benefits (along with pressure, stress, and likelihood of death) of undocumented immigrants.



# **Drone Surveillance Affirmative**

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## Summary

The Drone Surveillance case discusses a method of restricting the amount and type of data that can be collected by the government. Drones have been used for both surveillance and defense purposes for more than a decade and are rapidly becoming prominent in the United States. Law enforcement agencies in particular are considering using drones as a method of surveillance, but there is some public fear that they may become weaponized. Current regulations around drones are vague, and while some limits have been set, many are not enforceable or allow law enforcement officials to extend the limit if they determine it is necessary.

The first problem that is highlighted in the Affirmative case is that drones have an enhanced capability to eliminate the privacy of the general public. Drones can be used from great distances for round-the-clock surveillance. Furthermore, this type of surveillance is not protected against by the federal government. While the government does protect its citizens against unreasonable search and seizure with the Fourth Amendment of the Constitution, there are no current legal precedents that define the usage of drones as a “search.” While many people think that privacy is a fundamental right, the Constitution does not protect our right to privacy from drones in any way.

The second concern with the expansion of the use of drones within the United States is that armed drones, similar to those that are often in news reports for their use in wars overseas, may start to be used for law enforcement within the United States. Law enforcement agencies in the U.S. have already gone on record describing ways in which drones could be equipped with non-lethal weapons. Suggestions have also been made that armed drones could be used to further protect our geographical borders. The U.S. has an opportunity to set precedents about how drones should be used with respect to bordering nations. If drones become commonplace for border defense worldwide, it is only a matter of time before drones start targeting “high-risk” targets beyond their borders, which could lead to global war.

The plan suggests that the Supreme Court (SCOTUS) rule drone surveillance a “search” under the Fourth Amendment, which will then provide the general public protection under the Constitution. This plan will solve the privacy issue by giving the public rights against certain types of searches and legal precedent to defend themselves in court. Adequate protection of privacy will set precedents for future protection against drones and other excessive law enforcement techniques.

## Glossary

**Drone/UAV (Unmanned Aerial Vehicle)** – Commonly known as a drone, and also referred to as an unpiloted aerial vehicle and a remotely piloted aircraft (RPA), is an aircraft without a human pilot aboard. Its flight is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle.

**FAA (Federal Aviation Administration)** – A branch of the U.S. Department of Transportation that has the authority to regulate all aspects of U.S. civil (non-military) aviation.

**Fourth Amendment** - Part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

**Homeland Security** - Part of the government that protects the countries security.

**Judicial Review** - Review of a law act by the US Supreme Court to check if the constitutional.

**Supreme Court** - Branch of the government that upholds the constitution.

**U.S. Department of Defense** – An executive branch department of the federal government of the United States charged with coordinating and supervising all agencies and functions of the government concerned directly with national security and the United States Armed Forces.

**U.S. Department of Homeland Security** – A department of the United States federal government, created in response to the September 11 attacks, and with the primary responsibilities of protecting the territory of the United States and protectorates from and responding to terrorist attacks, man-made accidents, and natural disasters.

**Warrant** - A legal document authorizing a police officer or other official to enter and search premises.

**1AC (1/10)**

**Contention One is Inherency:**

**Current regulations have loopholes that allow for warrantless drone surveillance.**

**New York Times, 2015**

(Editorial Board; Regulating the Drone Economy; Feb 19;  
[www.nytimes.com/2015/02/19/opinion/regulating-the-drone-economy.html](http://www.nytimes.com/2015/02/19/opinion/regulating-the-drone-economy.html); kdf)

Mr. Obama's action on drone use by government agencies is much more problematic. For example, **the president's memorandum says the government should not retain personally identifiable information collected by drones for more than 180 days. But agencies can keep the data for longer if it is "determined to be necessary to an authorized mission of the retaining agency"** — a standard that grants officials far too much latitude. Moreover, **the administration says agencies have to provide only a "general summary" of how they use drones, and only once a year. Law enforcement agencies like the F.B.I. and local police departments are already using drones and manned aircraft for surveillance, often without obtaining warrants, but they have said little publicly about what they are doing with the information collected.** The use of drones is likely to grow, and the devices could become as common as utility and delivery trucks. At the dawn of this technology, it's appropriate to set sound safety and privacy rules.

## 1AC (2/10)

## Contention Two is Privacy:

## 1. Domestic drones are rapidly ushering in a total surveillance state.

## Ghoshray, 2013

(Dr. Saby [PhD]; "Domestic Surveillance Via Drones: Looking through the Lens of the Fourth Amendment," Spring 2013; Lexis)//AJ

This Orwellian dystopia is no imagination. Rather, it may be coming sooner than any of us can imagine. **Welcome to the post-modern America--where society may be heading to** a fast track dissent into the abyss of **limitless government surveillance. The domestic drones have arrived, and they are almost ready to intrude upon our sacrosanct zone of private seclusion.** n2 The above scenarios are certainly not this author's imagination. They are not bad dreams or morbid fantasies either. Instead, they are based on the recorded incidences of killer drones wreaking havoc in the civilian communities in the rugged mountains of Pakistan, Afghanistan, and Yemen. n3 **The** [\*581] very **same drones are now waiting for** either a legislative nod or the **regulatory approval to begin hovering over the byways and alleys of America.** Yet, it seems the national discourse has not awakened to this new reality. These drones are relatively cheap to build, remotely controlled, and devoid of emotions and physiological limitations. **Today's drones can both strike with deadly finality** n4 **and peer deep into individual homes** with see-through imaging capability, n5 high-powered zoom lenses, n6 and night-vision capability.

## 1AC (3/10)

## 2. Drones remove any public anonymity, which is a vital part of American democracy.

**Burow, 2013**

(Matthew L [Candidate for JD @ New England School of Law]; The Sentinel Clouds above the Nameless Crowd: Prosecuting Anonymity from Domestic Drones; 39 New Eng. J. on Crim. & Civ. Confinement 443; kdf)

Walking down the street. Driving a car. Sitting on a park bench. By themselves, these actions do not exhibit an iota of privacy. The individual has no intention to conceal their movements; no confidentiality in their purpose. The individual is in the open, enjoying a quiet day or a peaceful Sunday drive. Yet as Chief Justice Rehnquist commented, **there is uneasiness if an individual suspected that these innocuous and benign movements were being recorded and scrutinized for future reference.** 119 If **the "uneasy" reaction** to which the Chief Justice referred is not based on a sense of privacy invasion, it **stems from something very close to it—a sense that one has a right to public anonymity.** 120 Anonymity is the state of being unnamed. 121 The right to public anonymity is the assurance that, when in public, one is unremarked and part of the undifferentiated crowd as far as the government is concerned. 122 **That right is usually surrendered only when one does or says something that merits government attention, which most often includes criminal activity.** 123 **But when that attention is gained by surreptitiously operated UAVs that are becoming more affordable for local law enforcement agencies,** 124 **"it evades the ordinary checks that constrain abusive law enforcement practices:** "limited police resources and community hostility."<sup>125</sup> This association of public anonymity and privacy is not new. 126 Privacy expert and Columbia University Law professor Alan F. Westin points out that "anonymity [] occurs when the individual is in public places or performing public acts but still seeks, and finds, freedom from identification and surveillance." 127 Westin continued by stating that: [A person] may be riding a subway, attending a ball game, or walking the streets; he is among people and knows that he is being observed; but unless he is a well-known celebrity, he does not expect to be personally identified and held to the full rules of behavior and role that would operate if he were known to those observing him. In this state the individual is able to merge into the "situational landscape." 128 **While** most people would share the intuition of Chief Justice Rehnquist and professor Westin that **we expect some degree of anonymity in public, there is no such right to be found in the Constitution.** Therefore, with a potentially handcuffed judiciary, the protection of anonymity falls to the legislature. Based on current trends in technology and a keen interest taken by law enforcement in the advancement of UAS integration into national airspace, it is clear that drones pose a looming threat to Americans' anonymity. 129 Even when UASs are authorized for noble uses such as search and rescue missions, fighting wildfires, and assisting in dangerous tactical police operations, **UASs are likely to be quickly embraced by law enforcement** for more controversial purposes.

## 1AC (4/10)

## Contention Three is Armed Drones

## 1. Domestic drones will become weaponized – posing unique risks to civil liberties.

**Greenwald, 2013**

(Glenn [former columnist on civil liberties and US national security issues for the Guardian. An ex-constitutional lawyer]; The US Needs To Wake Up To Threat Of Domestic Drones; Mar 30; <http://www.theguardian.com/commentisfree/2013/mar/29/domestic-drones-unique-dangers>; kdf)

**The use of drones by domestic US law enforcement agencies is growing rapidly, both in terms of numbers and types of usage.** As a result, civil liberties and privacy groups led by the ACLU - while accepting that domestic drones are inevitable - have been devoting increasing efforts to publicizing their unique dangers and agitating for statutory limits. These efforts are being impeded by those who mock the idea that domestic drones pose unique dangers (often the same people who mock concern over their usage on foreign soil). This dismissive posture is grounded not only in soft authoritarianism (a religious-type faith in the Goodness of US political leaders and state power generally) but also ignorance over current drone capabilities, the ways drones are now being developed and marketed for domestic use, and the activities of the increasingly powerful domestic drone lobby. So it's quite worthwhile to lay out the key under-discussed facts shaping this issue. I'm going to focus here most on domestic surveillance drones, but I want to say a few words about weaponized drones. **The belief that weaponized drones won't be used on US soil is patently irrational.** Of course they will be. **It's not just likely but inevitable. Police departments are already speaking openly about how their drones "could be equipped to carry nonlethal weapons such as Tasers or a bean-bag gun."** **The drone industry has already developed and is now aggressively marketing precisely such weaponized drones for domestic law enforcement use.**



## 1AC (5/10)

**2. Domestic armed drones in border regions are setting an international precedent, thus legislation is key to establish a framework for modeling.**

**Barry, 2013**

(Tom Barry, senior policy analyst and director of CIP's TransBorder Project, Barry specializes in immigration policy, homeland security, border security, and the outsourcing of national security. He co-founded the International Relations Center (IRC), and joined CIP in 2007. He has authored or co-authored more than twenty books on Mexico, Central America, the Caribbean, food aid, the United Nations, free trade and U.S. foreign policy. These include *The Great Divide: Challenge of U.S.-Mexico Relations in the 1990s* (Grove Press), *Feeding the Crisis: U.S. Food Aid and Farm Policy in Central America* (University of Nebraska), *The Next Fifty Years: The United Nations and the United States*, and the award-winning *Zapata's Revenge: Free Trade and the Farm Crisis in Mexico* (South End Press). He has also edited volumes on foreign policy such as *Global Focus: U.S. Foreign Policy at the Turn of the Millennium* (St. Martin's Press), Center for International Policy, "Drones Over the Homeland", <http://stratrisks.com/geostrat/16739>, April 23, 2013)

The central U.S. role in drone proliferation is the direct result of the Pentagon's rapidly increasing expenditures for UAVs. Also fueling drone proliferation is UAV procurement by the Department of Homeland Security, by other federal agencies such as NASA, and by local police, as well as by individuals and corporations. Drones are also proliferating among state-level Air National Guard units. **Despite its lead role in the proliferation of drones, the U.S. government has failed to take the lead in establishing appropriate regulatory frameworks and oversight processes. Without this necessary regulatory infrastructure – at both the national and international levels – drone proliferation threatens to undermine constitutional guarantees, civil liberties and international law.** This policy report begins with a brief overview of the development and deployment of UAVs, including a summary of the DHS drone program. At this point, **there is no federal agency or congressional committee that is providing oversight over drone proliferation** – whether in regard to U.S. drone exports, the expanding drone program of DHS, drone-related privacy concerns, or UAV use by private or public firms and agencies. Gerald Dillingham, top official of the Government Accountability Office, testified in Congress about this oversight conundrum. When asked which part of the federal government was responsible for regulating drone proliferation in the interest of public safety and civil rights, the GAO director said, "At best, we can say it's unknown at this point."<sup>47</sup> III. CROSSOVER DRONES **Homeland security drones are expanding their range beyond the border, crossing over to local law enforcement agencies, other federal civilian operations, and into national security missions.** BORDER SECURITY TO LOCAL SURVEILLANCE The rapid advance of drone technology has sparked interest by police and sheriff offices in acquiring drones. The federal government has closely nurtured this new eagerness. Through grants, training programs and "centers of excellence," the Departments of Justice and Homeland Security have been collaborating with the drone industry and local law enforcement agencies to introduce unmanned aerial vehicles to the homeland.

## 1AC (6/10)

**3. Those norms set a dangerous precedent – leads to global conflict escalation – especially in Asia.****Taylor, 2013**

[Guy, "U.S. intelligence warily watches for threats to U.S. now that 87 nations possess drones", <http://www.washingtontimes.com/news/2013/nov/10/skys-the-limit-for-wide-wild-world-of-drones/?page=all>]

Armed or not, U.S. officials are wary. "No one is turning a blind eye to the growing use of surveillance-only UAV systems — including by non-state actors — even if these systems have a host of beneficial civil applications," said the official who spoke with The Times. **"One problem is that countries may perceive these systems as less provocative than armed platforms and might use them in cross-border operations in a way that actually stokes regional tension." That appears to be happening in Asia, where Japan recently threatened to shoot down Chinese drones flying near the disputed Senkaku Islands in the East China Sea. Northeast Asian countries are likely to invest heavily in drone technology,** said Patrick M. Cronin, senior director of the Asia-Pacific Security Program at the Center for a New American Security in Washington. "But even before these investments are manifested in wider deployments, Japan will be relying on UAVs for wider and better surveillance, particularly around its southwest island chain, while China will be using them to variably challenge Japanese administrative control and, indirectly, pressure the United States to restrain its ally," said Mr. Cronin. "This vital new technology is improving situational awareness. But, paradoxically, if used more offensively the same technology may also accelerate a maritime crisis in the East or even South China Sea." U.S. precedents Others say the U.S. and its closest allies have set a precedent with clandestine drone strikes in foreign lands. Although British forces have carried out hundreds of drone strikes in Afghanistan and Israel has used drone-fired missiles to kill suspected terrorists in Egypt's Sinai Peninsula, as well as Islamic militants in Gaza, the most widespread use has been directed by the U.S. military and CIA. In addition to strikes in Libya and Somalia, the U.S. has carried out more than 375 strikes in Pakistan and as many as 65 in Yemen over the past nine years, according to the London-based Bureau of Investigative Journalism. The concern, said the Brookings Institution's Mr. Singer, is that **adversaries will point to U.S. behavior as an excuse for carrying out cross-border targeting of "high-value" individuals. "That's where you have the problem,"** he said. **"Turkey carries out a strike in northern Iraq and then cites U.S. precedent in Pakistan to justify it. Or Iran carries out a drone strike inside Syria that the Syrian government says it's fine with because it's a lawless area where what they call 'terrorists' are hanging out, and then they throw the precedent back at the U.S. "That would make it sticky for us,"** said Mr. Singer. "That's not the broader norm we want out there."

**1AC (7/10)**

**Thus, my partner and I propose the following Plan:**

**The Supreme Court of the United States (SCOTUS) should curtail aerial surveillance by ruling that such searches constitute a search within the Fourth Amendment and is unreasonable without a warrant, barring exigent circumstances.**

## 1AC (8/10)

## Contention Four is Solvency:

**1. A Supreme Court ruling on aerial surveillance is uniquely key to revitalizing 4th Amendment's ability to protect privacy and to stop the onslaught of advancing technologies.**

**Celso, 2014**

(Joel [JD Candidate U of Baltimore Law]; DRONING ON ABOUT THE FOURTH AMENDMENT: ADOPTING A REASONABLE FOURTH AMENDMENT JURISPRUDENCE TO PREVENT UNREASONABLE SEARCHES BY UNMANNED AIRCRAFT SYSTEMS; 43 U. Balt. L. Rev. 461; kdf)

[\*493] The Katz reasonable expectation of privacy test has been criticized for its circular nature. n284 As long as UAS surveillance remains sufficiently rare, an individual's expectation of privacy is considered reasonable and it is protected from government intrusion by the Fourth Amendment. n285 **Once UAS flights become routine, the expectation of privacy is no longer reasonable and its protection is removed.** n286 **The result becomes a "paradoxical situation in which law enforcement overreach is legitimized once it becomes routinized."** n287 This could happen as early as 2015 when UAS can be fully integrated into U.S. airspace. n288 Equally disconcerting is the fact that the Supreme Court's estimation of what society considers reasonable is not necessarily accurate. n289 Justice Scalia facetiously observed that "unsurprisingly, those "actual (subjective) expectations of privacy" "that society is prepared to recognize as reasonable" bear an uncanny resemblance to those expectations of privacy that this Court considers reasonable." n290 For example, **poll results indicate that the American public opposes the use of UAS for routine police work.** n291 According to the Court however, **if the police used UAS to track people in public, they would lack constitutional protection because those people have no reasonable expectation of privacy.** n292 Considering these problems with the Katz formulation, some have argued that the protection of privacy, especially pertaining to sophisticated technologies such as UAS, should be removed from the courts and given to the legislature. n293 The problem with this solution is that it essentially concedes that, in the absence of legislation, the [\*494] Fourth Amendment cannot protect privacy rights against the government's use of sophisticated technologies. n294 Instead, **the courts need to adopt a novel jurisprudence to protect actual privacy expectations,** rather than defer to Congress. V. CONCLUSION Under the Supreme Court's current jurisprudence, it is only a matter of time before the Fourth Amendment will no longer be able to provide protection from warrantless UAS surveillance, even in the home. n295 The answer to the question posed by Justice Scalia in *Kyllo* should not be that technology has the power to "shrink the realm of guaranteed privacy" to the point of elimination. n296 **This is especially true given the Court's articulated concern that it "assures preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted."** n297 Although the original degree of privacy is difficult to ascertain, allowing the government to use a UAS outfitted with facial recognition software or high-powered cameras to silently track individuals for extended periods of time without a warrant hardly seems to qualify. n298 Equally unlikely is the idea that Congress, rather than the Constitution, was expected to be the guarantor of privacy protections at the time the Fourth Amendment was adopted. n299 It is clear that the courts need a new approach to their Fourth Amendment jurisprudence to protect privacy from a technological onslaught. **Requiring a warrant for all UAS surveillance will ensure that even the widespread use of UAS will not erode society's legitimate privacy expectations.**

## 1AC (9/10)

## 2. The plan is the catalyst that makes privacy possible.

**Ahsanuddin et al., 2014**

(Sadia - principal investigator for the report and MPAC research fellow; Domestic Drones: Implications for Privacy and Due Process in the United States; Sep 8; [www.mpac.org/publications/policy-papers/domestic-drones.php](http://www.mpac.org/publications/policy-papers/domestic-drones.php); kdf)

Simultaneously, the IHSS survey respondents indicated apprehensiveness over any domestic drone operations: two-thirds expressed concern over potential surveillance in homes or public areas; 65 percent were concerned about safety; and 75 percent were concerned about the government's ability to regulate use.<sup>82</sup> The rapid pace at which **drone technology is developing**, the lack of clear guidelines protecting privacy and civil liberties, **and public concern over these issues indicate an urgent need for action in Congress** and state legislatures. Privacy experts agree. In an article in the Stanford Law Review Online, Professor Ryan Calo of the University of Washington School of Law states that drones "may be just the visceral jolt **society needs to drag privacy law into the twenty-first century.**" **American privacy law has developed at a "slow and uneven" pace, whereas technology has developed at a rapid speed.** In spite of the development of computers, the Internet, Global-Positioning Systems (GPS), biometrics, gigapixel cameras, face recognition technology, and the widespread use of e-mail and other forms of electronic communication, there has been no attendant development in privacy law. **Because drones "threaten to perfect the art of surveillance," they make for a good catalyst to update privacy law.** The need for legislation is clear. **With recent revelations that the federal government has been conducting surveillance of the American public on an unprecedented level, the threat that unregulated and immensely capable technologies pose to civil liberties is profound. The law must catch up with technology.**

## 1AC (10/10)

**3. Only regulation of domestic drones can prevent warfare on citizens and bolster the industry.****Ahsanuddin et al., 2014**

(Sadia - principal investigator for the report and MPAC research fellow; Domestic Drones: Implications for Privacy and Due Process in the United States; Sep 8; [www.mpac.org/publications/policy-papers/domestic-drones.php](http://www.mpac.org/publications/policy-papers/domestic-drones.php); kdf)

Drones also impact due process rights. Drones are perhaps best known for the role they play in conducting signature strikes against suspected militants abroad. Will civilians on American soil ever be subjected to drone attacks? **Should civilians fear the weaponization of drones or their use in delivering lethal payloads?** Although the **Fifth and Fourteenth Amendments** assure individuals of the right to due process before the deprivation of life, liberty, or property, these **rights have already begun to erode due to the global war on terror and the use of drones to conduct signature strikes by virtue of executive decisions that are devoid of judicial review. With the mass introduction of domestic drones, there remains a threat and real fear that drones may be used to deprive individuals of life, liberty, or property with no opportunity to dispute the charges brought against them.** Americans of all ethnicities and creeds are likely to be affected by the domestic deployment of drones. American Muslims have a special contribution to make to this discussion. Having been subjected to special law enforcement attention and scrutiny, **American Muslims find themselves particularly susceptible to infractions of civil liberties.** As representatives of the American Muslim population and with the expertise to ground our analysis, the Muslim Public Affairs Council (MPAC) proposes the following guidelines to address the issues of law enforcement use of drones, data collection, weaponization of drones, due process, oversight, and transparency: Law enforcement use of drones should be restricted. Data collection should be strictly monitored. The FAA should require, not merely recommend, that test sites incorporate the Fair Information Principles into their privacy policies. The weaponization of drones should be prohibited. The right to due process should be preserved. States and individuals should have the ability to bring a cause of action against an entity that, in operating a drone, violates their rights. Drone deployment by federal agents must be subjected to Congressional oversight and local public drone use should be subjected to local city council oversight. The general public should be engaged in the development of policy guidelines by a public body intending to operate drones. In keeping with the principle of transparency, the FAA should make available to the public the names of drone applicants, the holders of Certificates of Authorization, other licensees, and privacy policies of drone-operating agencies. **Adequate protection of privacy is necessary to allow the public to take advantage of drone technology without becoming a society in which every movement is monitored by the authorities.** Simultaneously, **drone developers need regulations so that they can conduct research and development unimpeded by protests and news reports.** Additionally, the weaponization of drones on domestic soil poses a threat to due process rights and public safety. This was acknowledged by Sen. Dianne Feinstein, who called for a total prohibition on the weaponization of domestic drones.<sup>13</sup> Indeed, politicians and policymakers representing a broad spectrum of political views advocate regulations for domestic drones

## AT: No Harm – No Right to Privacy

[ ]

[ ] Without privacy, we have no protection from oppressive governments – the risk of government oppression is real.

Scheer, 2015

(Robert [Prof @ USC's School of journalism and communication]; They Know Everything About You; Nation Books; p. 176; kdf)

**We are a nation that has long celebrated dissidents** throughout the world **who dare**, often at great risk, **to expose the secret actions and challenge the legitimacy of repressive governments**. In some cases, we even provide legal sanctuary or asylum for such people. **However, when Americans dissent in such radical ways, the opposite is often the case-they are vilified as disloyal and as a threat to our collective security** or stability. The assumption, embraced so widely, must be that our system never requires such a fundamental challenge to its authority, as represented by the actions of a Daniel Ellsberg, Thomas Drake, Chelsea Manning, or Edward Snowden. **We know, however, from so many historical examples-the Roman Empire, Nazi Germany, and the Soviet Union-that unchallenged authority not only will violate human rights but also will ultimately sow the seeds of its own ruin, increasingly blind to its own limitations and flaws. Despite our historically innovative constitutional checks on government power**, we are nevertheless always flirting with imperial hubris. **We see this clearly in the pattern of lies that defined US foreign policy after 9/11; it is quite apparent that leaving those lies largely unchallenged in the name of classification seriously weakened the position of the United States in the world.**

## AT: No Harm – Nothing to Hide

[ ]

[ ] The idea that only those with something to hide should worry trivializes the importance of privacy concerns.

**Scheer, 2015**

(Robert [Prof @ USC's School of journalism and communication]; They Know Everything About You; Nation Books; p. 81-82; kdf)

An even darker defense of the end-of-privacy doctrine had been offered a month earlier by Google's Eric Schmidt, who impugned the innocence of consumers who worry about snooping by Google and other companies. **"If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place," Schmidt stated** in an interview for a December 2009 CNBC Special, "Inside the Mind of Google."<sup>5</sup> **The ability of the fast-growing Internet data-mining companies to trivialize privacy concerns succeeded because the target audience of younger consumers was either indifferent to invasions of their privacy or ignorant of the extent and depth of that data collection.** It was remarkable that an American social culture that had for so long been moored to a notion of individual sovereignty predicated on the ability to develop one's identity, ideas, and mores in private, had, in a wink, become willing to surrender any such notion. **Americans had fought and died for the right to have privately developed papers, conversations, friendships, and diaries,** especially in our homes. Yet here we were as a society voluntarily moving so much of that into digital spaces owned and managed by corporations we have no control over. This **relinquishing of the most private information about one's essence and aspirations became the norm in a shockingly short period, examined only lightly and in passing.** As we shared more and more with ever-widening social networks, it seemed okay as long as the companies securely stored this precious data, to be used only to enhance the consumer experience. We counted on the self-interest of the corporation not to harm us, not to bite the hand that feeds. But the Snowden revelations changed all that by exposing how easily the government could access-and indeed was accessing our personal info. That troubling confluence between the corporate world and the state caught the public's attention in a way that Internet companies feared might be game changing, threatening the culture of trust needed to continue gathering that data. Also straining global confidence in Internet commerce was the shock of those outside the country who had bought into the myth that US-based multinationals were international in their obligations, but who now found them to be subservient to the whims of Washington. <sup>6</sup> That was a message that US companies, up against a saturated domestic market for their products, found particularly alarming, since they depend on global growth to please shareholders.



## AT: No Harm – Expansion Inevitable

[ ]

[ ] The plan isn't attempting to stop expansion. The plan doesn't eliminate all drones, just puts limits on surveillance.

**Galizio, 2014**

(Gregory; NOTE: A DIGITAL ALBATROSS: NAVIGATING THE LEGAL FRAMEWORK OF DOMESTIC POLICE DRONE TECHNOLOGY VERSUS PRIVACY RIGHTS IN MASSACHUSETTS AND BEYOND; 20 Suffolk J. Trial & App. Adv. 117; kdf)

V. CONCLUSION While law enforcement drones need to be strictly restrained by [\*143] statute, the courts, and government agencies, this emerging technology need not be universally condemned as the advent of George Orwell's dystopian world. American legislatures and courts should legally discourage all dragnet surveillance conducted with drones. If sensible legislation, along with strict judicial review, can be established, domestic drones should be integrated into American skies. The courts must evolve and confront the rapid pace of technology with more stringent approaches to protecting privacy rights. On the practical side, civil libertarians should not unconditionally reject law enforcement's operation of drones if used in the same manner as existing police technology. The arrival of domestic drones offers a new battle within the dichotomy of privacy and security interests. Just as drones may benefit domestic security interests, they burden the right of privacy. As drone and other technologies further complicate this legal clash of competing interests, it will be up to lawmakers and judges to offer reasonable and balanced solutions. While drones possess benefits to public safety, the failure to adapt our Fourth Amendment jurisprudence to the digital age will create a digital albatross upon the privacy interests of us all. n156

**AT: Solvency Turn – Police Violence**

[ ]

[ ] **Police are already trained – without warrants, police would still be decision makers.**

**San Pedro, 2014**

(Victoria [J.D. Candidate, Stetson University College of Law]; STUDENT WORK: DRONE LEGISLATION: KEEPING AN EYE ON LAW ENFORCEMENT'S LATEST SURVEILLANCE TECHNOLOGY; 43 Stetson L. Rev. 679; kdf)

[\*718] Similar to language in currently proposed legislation, n279 exclusionary provisions should be incorporated into the enacted legislation. However, this Article suggests that the exclusionary provisions should be directly tied to Fourth Amendment exceptions that have been addressed by the Supreme Court. For example, instead of providing an exception for "emergency situations" n280 it would be best to use the "exigent circumstances" phraseology that has been previously defined by the Court. n281 **This will provide an easy transition for law enforcement agencies** that prepare their training and manuals according to existing jurisprudence. If **police officers are already trained on what constitutes an "exigent circumstance," that knowledge can be applied to drone surveillance, rather than tasking law enforcement agencies with interpreting anew what constitutes "emergency situations."**

**AT: Solvency Turn – Broader Rights and Solves Crime**

[ ]

**[ ] Current technology make drones more dangerous than helpful.****Guma, 2014**

(Greg; Drones and Law Enforcement in America: The Unmanned Police Surveillance State; Feb 18; [www.globalresearch.ca/drones-and-law-enforcement-in-america-the-unmanned-police-surveillance-state/5330984](http://www.globalresearch.ca/drones-and-law-enforcement-in-america-the-unmanned-police-surveillance-state/5330984); kdf)

The Defense Committee's legislative models are designed to satisfy diverse interests. One creates a drone-free zone, while another establishes strict requirements limiting their use by law enforcement agencies and other public officials. The model **regulating drone use** (rather than outlawing it) **allows them to be used with a judicially issued warrant or for limited non-law enforcement purposes** like fire detection, hazardous material response, search & rescue, and natural disasters. Beyond constitutional concerns, **proposed legislation** also **addresses some safety issues**. According to Buttar, **many of the drones currently available to law enforcement have limited flying time, can't be flown in bad weather, must be flown in sight of an operator, and can only be used during daylight hours, "making them ill-suited to search and rescue missions and best suited for pervasive surveillance."** On the other hand, AP points to some of the attractions driving the rush to drone use. Unmanned aircraft vary widely in size and capability. They can be as small as a bird or look like a children's remote-controlled toy, and yet can be equipped with high-powered cameras, microphones, heat sensors, facial recognition technology or license plate readers. Similar technology has been used by the US military and CIA to track down Al-Qaida operatives abroad. Law enforcement likes drones because they're relatively cheap; they reportedly keep down the price by cutting fuel and maintenance costs, as well as reducing manpower. Look at it this way: A police helicopter can cost from \$500,000 to \$3 million, and about \$400 an hour to fly. It can be "affordable" snooping for those with the means of surveillance.

## AT: Solvency Turn – Fight War on Drugs

[ ]

[ ] The issue is not drone usage in the War on Drugs. The issue is whether or not we are willing to erode civil liberties in the name of safety.

**Selinger and Kaag, 2015**

(Evan and John [Associate prof of philosophy @ U of Massachusetts Lowell]; Why domestic drones stir more debate than ones used in warfighting abroad; Mar 9;

<http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0309/Why-domestic-drones-stir-more-debate-than-ones-used-in-warfighting-abroad> kdf)

Selinger: Do you think **it's wrong that we're more concerned about domestic uses of drones than foreign ones?** Kaag: Yes. This attitude reflects a disturbing mix of provincialism and exceptionalism that Americans should acknowledge and oppose. **We need to come to grips with the "wars" that are being fought in our name and critically evaluate their justifications.** And we need to put pressure on the media to continue to cover the stories that allow us to make this crucial evaluation. The asymmetry suggests a strange political and moral myopia. Yes, **it's true that domestic drone surveillance might erode civil liberties,** and degrade the political fabric of the United States. To some extent the American public knows this is the case and is invested in moving forward carefully. **But it's equally true in the case of an abuse of drones in the targeted killing program abroad.** Drones keep boots off the ground and allow political leaders to execute military strikes without the fear of losing troops. This is mixed blessing. It also allows leaders to circumvent the traditional safeguards that protect against illegitimate military actions. The American public tends to become more interested in armed conflict – its execution and justification – when it faces the traditional sacrifices associated with war. I fear we've entered an era of continual warfare where the American public has little incentive to monitor the actions of its leaders. This means **we risk losing our democratic hold on an important political issue, shifting power back to leaders who were, at least originally, supposed to be checked by the will of the people.** The issue of moral myopia is a bit simpler. Just because it may be true, psychologically, that it's easier to turn a blind eye to injustice far away, does not mean that it's morally justified to do so. **Many drone strikes are in fact legitimate. But certain signature strikes, I would argue, are not. And the American public should be aware of this difference.**

## AT: No Solvency – Drones Save Lives

[ ]

[ ] Excuses for surveillance are unmerited, traditional police methods are sufficient.

**Weiss, 2015**

(Leonard [visiting scholar at Stanford University's Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87; kdf)

The rise of the national surveillance state. Lowering the risk of terrorism, particularly the nuclear kind, is the quintessential reason that the mandarins of the national security state have given for employing the most invasive national surveillance system in history. “Finding the needle in the haystack” is how some describe the effort to discern terrorist plots from telephone metadata and intercepted communications. But the haystack keeps expanding, and large elements of the American population appear willing to allow significant encroachments on the constitutional protections provided by the Fourth Amendment. The fear of terrorism has produced this change in the American psyche even though there is no evidence that the collection of such data has resulted in the discovery of terrorist plots beyond those found by traditional police and intelligence methods. It is doubtful that we shall soon (if ever) see a return to the status quo ante regarding constitutional protections. This reduction in the freedom of Americans from the prying eyes of the state is a major consequence of the hyping of terrorism, especially nuclear terrorism. This is exemplified by the blithe conclusion in the previously referenced paper by Friedman and Lewis (2014), in which readers are advised to “be more proactive in supporting our government’s actions to ameliorate potential risks.” The National Security Agency should love this.

## AT: Solvency Turn – Drone Troop Tradeoff

[ ]

[ ] Many law enforcement agents refuse drones – the plan provides them with an effective and constitutional method to do so.

**Sommadossi, 2014**

(Tiffany; Domestic Surveillance Drones: To Fear or Not to Fear?; Aug 4;  
[www.legislationandpolicy.com/1425/domestic-surveillance-drones-fear-fear/](http://www.legislationandpolicy.com/1425/domestic-surveillance-drones-fear-fear/); kdf)

While **pending federal legislation is an excellent sign that Congress is taking steps to address privacy concerns related to drone surveillance**, the question of what to do until federal laws pass remains. **The absence of drone privacy restrictions represents a gaping hole in American privacy protections, and also puts law enforcement offices in a predicament. A growing number of law enforcement offices**, like the LAPD, **are voluntarily refusing to integrate drone technology** into its investigations **because of public disapproval. The public has made clear that unless strict privacy rules are in place to govern surveillance drones, the benefits they can provide are not worth the significant privacy implications.** Therefore, **the lack of federal drone law focused on privacy is simultaneously threatening American privacy interests and preventing law enforcement from taking advantage of new technologies.** As the Supreme Court's interpretation of the Fourth Amendment slowly transforms and Congress remains suspicious of government surveillance programs, it will be interesting to see where the pendulum settles on what constitutes a reasonable expectation of privacy in the United States when it comes to government surveillance, particularly from the air.

## AT: Solvency Turn – Terrorism Risk Increase

[ ]

[ ] ISIS is structurally incapable of being a threat.

**Matthews and Preble, 2015**

(Dylan and Christopher [Cato's vice president for defense and foreign policy studies]; Ignore the headlines. The world is getting safer all the time.; Jan 15; [www.vox.com/2015/1/14/7546165/world-getting-safer](http://www.vox.com/2015/1/14/7546165/world-getting-safer); kdf)

DM: Did ISIS change your thinking on this at all? ISIS fighter An ISIS fighter in Syria. (AFP/Getty Images) CP: Not really, for a couple reasons. **ISIS may be a terrorist organization, and may be an insurgency, and may be a quasi-nation-state** or attempting to become a quasi-nation-state, **but it's hard to be all of those things simultaneously.** Austin Long writes about this in his chapter, about the differences between insurgents and terrorists. Most terrorists operate in the shadows. The hard part is not killing them, it's finding them. That's why traditional counterterrorism is an intelligence and information-gathering process. It's a lot like police work. **By declaring itself a state and raising a flag over territory it seizes and holds, ISIS is trading away one of its key advantages, and opening itself up to more traditional military attacks.** It's a virulent, reprehensible state, **but it's not clear to me that it's a greater terrorist threat than other organizations that are continuing to operate in the shadows.**

## AT: No Solvency – Domestic Protection

[ ]

[ ] Drones are enabling the expansion of violence through law enforcement.

## Talai, 2014

(Andrew, "The Fourth Amendment and Police Discretion in the Digital Age," 102 Cal. L. Rev. 729, Lexis/SEP)

**Law enforcement agencies have begun deploying drones for routine domestic surveillance operations, unrestrained by constitutional scrutiny.** Indeed, Congress has mandated a comprehensive integration of unmanned aerial systems into the national airspace no later than September 30, 2015. But does the Fourth Amendment to the United States Constitution proscribe such drone surveillance as an unreasonable search? While this question cannot be easily answered under conventional precedents, doctrinal inconsistency raises this Comment's central question: What role will the Fourth Amendment play in an age of pervasive digital surveillance and limited privacy rights? In the last few decades, the Supreme Court has narrowed its vision of Fourth Amendment rights to an opaque privacy rationale. The Court has muddled doctrine and strained to avoid difficult issues involving technological progress. A recent example of this phenomenon came in the 2012 decision, *United States v. Jones*, where the Court paradoxically revived the common law trespass test for Fourth Amendment searches, as a proxy for the "degree of privacy that existed" at the founding. This Comment argues, instead, for a "pluralist" approach to understanding Fourth Amendment searches that would—in addition to securing privacy and property—proscribe any search that is a California nonprofit corporation. CLR and the authors are solely responsible for the content of publications. As such, this Comment's major concern with domestic drone surveillance is not "privacy." In the vast majority of cases, police will not use drones to observe "at what hour each night the lady of the house takes her daily sauna and bath."<sup>60</sup> Although this Comment does not focus on "voyeuristic" or Peeping Tom drones,<sup>61</sup> intimate privacy concerns are relevant Fourth Amendment values that deserve protection. To be sure, one can imagine such distasteful surveillance being used for blackmail and persuasion (among other things), even from public vantage points. However, those privacy concerns are being trumpeted so loudly that they have obscured another relevant problem with drone surveillance—discriminatory sorting through discretionary law enforcement. **More precisely, the fear is "provid[ing] law enforcement with a swift, efficient, invisible, and cheap way of tracking the movements of virtually anyone and everyone they choose."**<sup>62</sup> **Police, through legislative encouragement and judicial acquiescence, now have power—unmatched in history—on the streets of this country: "a form of paramilitarized violence found in a rapidly expanding criminal justice-industrial complex, with both ideological and material connections to the military industrial complex."**<sup>63</sup> **Drone surveillance is yet another tool in the arsenal of police discretion.**



**AT: No Solvency – Drone Proliferation Inevitable**

[ ]

[ ] Plan prevents dehumanization that will result from the inevitable drone proliferation. The dehumanization effect of drones is the same type that empirically leads to genocidal warfare, which is more likely to increase the risk of terrorism.

**Burow, 2013**

(Matthew L [Candidate for JD @ New England School of Law]; The Sentinel Clouds above the Nameless Crowd: Prosecuting Anonymity from Domestic Drones; 39 New Eng. J. on Crim. & Civ. Confinement 443; kdf)

This Note has explored the philosophical and psychological effects of panoptic surveillance and the need for protection.<sup>29</sup> **A mere suspicion of a UAVs flying high in sky can have a chilling effect on democracy that most Americans would consider intolerable.** <sup>230</sup> But what about the psychological changes UASs will bring about in law enforcement? The following is an excerpt from a news report on the mindset of UAS pilots who operate military drones in overseas combat missions: **Bugsplat is the official term used by US authorities when humans are killed by drone missiles. It is deliberately employed as a psychological tactic to dehumanise targets so operatives overcome their inhibition to kill.** It was Hitler who coined this phraseology in Nazi Germany during the Holocaust. In Mein Kampf, Hitler refers to Jews as vermin (volksungeziefer) or parasites (volksschädling). In the infamous Nazi film, Der ewige Jude, Jews were portrayed as harmful pests that deserve to die. Similarly, in the Rwandan genocide, the Tutsis were described as "cockroaches." This is not to infer genocidal intent in US drone warfare, but rather to emphasize the dehumanizing effect of this terminology in Nazi Germany and that the very same terms are used by the US in respect of their Pakistani targets. <sup>231</sup> **Will John and Jane Doe-the casual saunterer-become part of the next group of bugs that must be swatted in the name of effective law enforcement?** In answering that question, we should look to the skies once again and pray to the better angels of our nature for a worthy answer.

**AT: No Solvency – Warrants Ineffective**

[ ]

**[ ] Specific warrants are key to avoid surveillance abuse; general warrants are ineffective.****Selinger and Kaag, 2015**

(Evan and John [Associate prof of philosophy @ U of Massachusetts Lowell]; Why domestic drones stir more debate than ones used in warfighting abroad; Mar 9;

<http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0309/Why-domestic-drones-stir-more-debate-than-ones-used-in-warfighting-abroad> kdf)

Selinger: Why are you skeptical about replicating the FISA court model in this context? Kaag: The FISA courts are very weird. Our legal system is based on an adversarial model. In other words, **courts are places to dispute charges and impartial parties – a judge and jury – make a decision about the case.** The FISA courts aren't like this. At all. FISA requests are not disputed. Only a very, very small percentage of FISA requests have been denied over the courts' 30 year history. Most are approved as a matter of course. Sarah Kreps and I have argued that one of the more disturbing aspects of the FISA courts are their recent expansion of **the “special needs” doctrine**, which **allows the government to carry out surveillance without detailed warrants in order to address an “overriding public danger.”** We are concerned that **this sort of governance, when applied to the issue of drones, might provide strategists and policy makers with a type of carte blanche over the targeted killing program.** The alternative proposed by the Obama administration – what the President called **“an independent oversight board** in the executive branch” – doesn't make us feel much better. It **does not address the question of checks and balances that has prompted calls for judicial oversight.**

# **Drone Surveillance Negative**

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## Summary

The Drone Surveillance Negative case attacks both the problems highlighted by the Affirmative case, and the way in which the Affirmative case proposed to solve those problems.

The Negative case explains that the public has never had a broad right to privacy. Many other types of unmanned surveillance, such as dashboard cams, body cams, and public surveillance cameras are used constantly by government and law enforcement. There has been no ruling which has deemed these recordings “searches” under the Fourth Amendment, and the Negative case argues that drones should be treated similarly. The Negative case also argues that surveillance won’t lead to unfair treatment from law enforcement if a person has nothing to hide.

Limiting the use of drones may have negative effects on the private development drones, which could be used to record and reduce police violence. Recordings made by drones could actually help catch crime as it was happening, which would provide greater safety for the general public, but this is a benefit that the plan would prevent. Drones have been effective in fighting the War on Drugs, especially along the border, and judicial action that leads to the restriction of drones may limit progress. Drones have also been used internationally to reduce the necessity of troops on the ground and to protect against possible biological and chemical weapon attacks, both of which would be prevented by the plan.

Finally, the Negative case argues that the plan itself may not be effective in solving the problems highlighted by the Affirmative case. Since many other countries are currently developing drone technology, it is unlikely that restricting drones now, in the U.S., will prevent the expansion of armed drones. The Negative case also argues that warrants may be ineffective in restricting drone use because precedents have been set with similar types of surveillance, such as dashboard cams, which have helped prevent crime and apprehend criminals with little risk to public privacy. Setting precedents that all such recordings should first require a warrant may negatively impact positive trends in surveillance.

## Glossary

**Drone/UAV (Unmanned Aerial Vehicle)** – Commonly known as a drone, and also referred to as an unpiloted aerial vehicle and a remotely piloted aircraft (RPA), is an aircraft without a human pilot aboard. Its flight is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle.

**FAA (Federal Aviation Administration)** – A branch of the U.S. Department of Transportation that has the authority to regulate all aspects of U.S. civil (non-military) aviation.

**Fourth Amendment** - Part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

**Homeland Security** - Part of the government that protects the countries security.

**Judicial Review** - Review of a law act by the US Supreme Court to check if the constitutional.

**Supreme Court** - Branch of the government that upholds the constitution.

**U.S. Department of Defense** – An executive branch department of the federal government of the United States charged with coordinating and supervising all agencies and functions of the government concerned directly with national security and the United States Armed Forces.

**U.S. Department of Homeland Security** – A department of the United States federal government, created in response to the September 11 attacks, and with the primary responsibilities of protecting the territory of the United States and protectorates from and responding to terrorist attacks, man-made accidents, and natural disasters.

**Warrant** - A legal document authorizing a police officer or other official to enter and search premises.

**No Harms – No Right to Privacy**

[ ]

**[ ] There is no engrained right to privacy in the United States.****Gallington, 2014**

(Daniel J; Uncle Sam's Right to Know The right to privacy has never been unconditional; Oct 20; [www.usnews.com/opinion/blogs/world-report/2014/10/20/you-have-no-absolute-right-to-privacy-including-in-your-data-encryption](http://www.usnews.com/opinion/blogs/world-report/2014/10/20/you-have-no-absolute-right-to-privacy-including-in-your-data-encryption); kdf)

Technically, such a capability is not all that difficult – however, the policy and legal aspects of such technologies are the most perplexing. To begin with, do we have the right to keep any information we choose private from everybody, including the government? If we do, then the technologies – and private companies that implemented this principle – would simply be an exercise of that right. However, **we don't have and never have had**, even in our unique democratic society, **that broad and unconditional right of privacy**. Nevertheless, we sometimes forget this, especially in today's information-focused age with its heightened awareness of individual privacy. Ironically perhaps, but especially in discussions such as these, **I'm always reminded of the wisdom of my late mother**: One day **she** and I were watching a report on privacy and so-called government snooping. And my mom **said, "I don't think the government should be listening to anyone's telephone conversations."** I responded, "OK, mom, **but what about terrorists, spies and kidnappers?**" **She** thought about it for a second and **said, "Well, those kind of people ... for sure."** Sounds like my mom and the FBI director, who also was the former deputy attorney general in the George W. Bush administration, are in basic agreement on this issue – as I'm sure most thoughtful people would be.

**No Harms – Nothing to Hide**

[ ]

**[ ] No Impact – If you have nothing to hide, you have nothing to worry about.****Huffington Post, 2011**

(Google CEO On Privacy (VIDEO): 'If You Have Something You Don't Want Anyone To Know, Maybe You Shouldn't Be Doing It'; May 25; [www.huffingtonpost.com/2009/12/07/google-ceo-on-privacy-if\\_n\\_383105.html](http://www.huffingtonpost.com/2009/12/07/google-ceo-on-privacy-if_n_383105.html); kdf)

Yahoo, Verizon, Sprint, and others have recently come under fire for sharing customer data with the authorities, and admitting to "spying" abilities that would "shock" and "confuse" customers. A CNBC interview with Google CEO Eric Schmidt suggests the search giant Google shouldn't get off easy, and users should be wary of what Google knows about them -- and with whom they can share that information. CNBC's Mario Bartiromo asked CEO Schmidt in her December 3, 2009 interview: "People are treating Google like their most trusted friend. Should they?" Schmidt's reply hints that **if there's scandalous information out there about you, it's your problem**, not Google's. Schmidt tells Baritoromo: **If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place.** He expands on his answer, adding that the **your information could be made available not only to curious searchers or prying friends, but also to the authorities, and that there's little recourse for people worried about unintentionally "oversharing" online**: But if you really need that kind of privacy, the reality is that search engines, including Google, do retain this information for some time. And [...] we're all subject, in the US, to the Patriot Act, and it is possible that that information could be made available to the authorities. Leaked documents revealing Yahoo's guide for law enforcement officials, which explains how they can obtain consumer data, highlights the type of information internet companies may have about their users -- and can share with the authorities. Silicon Alley Insider notes, For example, Yahoo's document helpfully alerts law enforcement that if they'd like to read a user's instant messenger logs, they better ask within 45 days and come bearing a 2703(d) order. That is, unless there's "imminent danger of death or serious physical injury." If that's the case, there's another letter to fax entirely See a video clip of Schmidt's below.



**Solvency Turn – Police Violence**

[ ]

**[ ] Drone expansion provides a check against police violence.****Bernd, 2013**

(Candice [assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#); kdf)

Private Citizens and Domestic Drone Technology But in addition to major corporations, **media activists** also **are beginning to look at the possibilities of domestic drones to broadcast live streaming coverage of protests and other actions in such a way that could provide greater transparency of police activity during political clashes**, such as those that occurred in 2011 during the height of the Occupy Wall Street movement. Occupy live-streamer Tim Pool, now a producer with Vice Media, has been experimenting with a small radio-controlled quadcopter drone called the Parrot AR Drone, which can be controlled from a tablet or smartphone. Pool hopes to lower the cost of media production for the individual by using drone technology to gather audio and visual content from the air. "These things make it a lot easier for the average person to pick up the control and say, 'OK, I can do this,' whereas with something like the more expensive drones that have proprietary controllers, you have to learn how to fly those. The AR. Drone is an iPhone app. It looks like a video game," Pool told Truthout. But he admits that in moments when events are breaking it becomes harder to fly a drone. "It's difficult with all the ruckus, the police, with people running. There's no way to predict what's going to happen. It's hard to take your focus away." Pool was on the ground in Turkey during the Occupy Gezi Park demonstrations, which protested an urban development plan to replace the park with a shopping mall. During the demonstrations, Pool witnessed the police forces there shoot down a DJI Phantom drone used by an accompanying journalist, whom he said was detained by police for hours afterward. He expects the same thing could happen in the US. **Governments will be a bit behind in adopting drones for surveillance or quad-rotors like this.** I think we'll see the private sector first. **We'll see private individuals filming major breaking news with their drones, hobbyists and eventually I know a lot of news organizations are researching drone potential.** Once that gets legal they'll start flying drones all over the place, and eventually the police will start filming with drones as well," Pool said. And he's right - scores of law enforcement agencies are experimenting with domestic drone technology already.

**Solvency Turn – Broader Rights and Solves Crime**

[ ]

**[ ] Drone expansion results in broader 4th amendment rights and solves all crime.****Morrison, 2015**

(Caren Myers [Associate Professor, Georgia State University College of Law]; DR. PANOPTICON, OR, HOW I LEARNED TO STOP WORRYING AND LOVE THE DRONE; 27 J. Civ. Rts. & Econ. Dev. 747; kdf)

The outrage against Title III did not translate into reform of many police practices that violated the privacy of the politically and economically disadvantaged. But Title III was passed before the ramifications of Terry v. Ohio, which approved stop and frisk practices, n92 were fully felt. It was before the Court decided Michigan v. Chesternut, which held that people on the street have no expectation of privacy against police inquiries, even if those inquiries include chasing someone down the street in a police cruiser, n93 and Whren v. United States, which held that if the police have probable cause for a traffic stop, that stop is lawful even if motivated by other, possibly discriminatory reasons, n94 and Illinois v. Wardlow, which held that flight from the police in a "high crime area" is enough to justify a stop, n95 and all the other cases that allowed "race-dependent decision making to become a normal part of police practice." n96 It could be that we are more aware of the differential impact of police practices today than we were in 1968. The short-lived district court case holding that New York City's stop and frisk practices violated the Fourth Amendment may reflect this. n97 "No one should live in fear of being stopped whenever he leaves his home to go about the activities of daily life," wrote Judge Scheindlin. "Those who are routinely subjected to stops are overwhelmingly people of color, and they are justifiably troubled to be singled out when many of them have done nothing to attract the unwanted attention." n98 **We obviously need a new way of policing the streets, investigating crime, and keeping the public safe.** If we turned to the universal surveillance that drones could technically provide, could the very omniscience of such a system make the entire enterprise more egalitarian? [\*764] There is something else too. **Unlike wiretapping, which focuses only on specific suspects,** drones and their capacity for universal surveillance evoke what one commentator called "the idolatrous dream of omniperception embodied in the panopticon." n99 In simpler terms, **drones contain the promise that somehow, with the right tools, we could achieve perfect knowledge. If there were a record of everything that ever happened, we could know the truth. We could know what really happened between Trayvon Martin and George Zimmerman on that night in February 2012.** n100 **We would be able to solve all the unsolved shootings and disappearances and faulty eyewitness identifications.** n101 **So much of what happens out in the world is a mystery.** People are abducted, raped, shot. Other people are accused of these misdeeds, sometimes convicted and executed for them, sometimes wrongfully. We never really know. **If there is a seductive quality to the seamless surveillance of the future, it is that we wouldn't make these mistakes again.**

**Solvency Turn – Fight War on Drugs**

[ ]

**[ ] Drones are critical to fighting the war on drugs.****Heverly, 2015**

(Robert A [Associate Professor of Law, Albany Law School]; Game of Drones: The Uses and Potential Abuses of Unmanned Aerial Vehicles in the U.S. and Abroad: ARTICLE: THE STATE OF DRONES: STATE AUTHORITY TO REGULATE DRONES; 8 Alb. Gov't L. Rev. 29; kdf)

Drones come in a variety of shapes and sizes, and with varying abilities and configurations. n21 **Some of the best known drone technologies are the military drones used in foreign countries to seek out and kill terrorists.** n22 **It is these drones that people react to most negatively,** especially when non-combatants and innocent civilians die either as collateral damage in a successful drone attack, or by mistake when either drone technology or human intelligence kill people not intentionally targeted. n23 Military drones of this type are often fixed wing aircraft, relatively large, with the ability to carry heavy payloads. n24 Payloads may include rockets and other weapons, as well as electronics and surveillance technologies. n25 With names like "Predator" and "Reaper," these drones can be found in the skies in a number of foreign countries and are now being deployed to strategic missions within the United States. n26 **Domestic missions are** said to be **primarily surveillance missions,** including **patrolling the U.S. borders with Mexico and Canada, and also tracking drug traffickers** attempting to bring illicit drugs into the United States. n27

## Solvency Turn – Drones Save Lives

[ ]

[ ] Drones save more lives than they harm.

**Weiner and Sherman, 2014**

(Robert and Tom; Drones spare troops, have powerful impact; Oct 9;  
www.utsandiego.com/news/2014/oct/09/drones-troops-impact/; kdf)

A note from Osama bin Laden discovered at his Abbottabad residence by U.S. Seal Team Six during the U.S. raid on May 2, 2011, revealed, “Brothers said they were frankly exhausted from the enemy’s air bombardments.” Osama **bin Laden hated drones, because they work. Drones save American troops from risk of death, kill far fewer civilians than ground troops operations, and make our military more effective against enemy combatants.** Regardless, **drones are often decried by many liberals as too invasive, too impersonal and too deadly to innocent civilians.** Southern California has been a national leader of the drone industry, ever since the San Diego-based General Atomics pioneered the first Predator drone development more than two decades ago. Currently, 13 California drone manufacturers operate across the state, including 3D Robotics of San Diego and Datron Communication Systems of Vista. Pentagon officials initially purchased 10 drones from General Atomics — that number has now swelled to over 10,000 drones currently under Pentagon control, according to The Washington Post, and unknown numbers in CIA hands; a Defense News report estimates at least 80. “The defense industry has been a huge incubator of jobs in California, especially Southern California,” said Assemblyman Steven Bradford, D-Gardena, last year. “We want these well-paying, high-tech manufacturing jobs to continue to grow here in California.” Californians, whether liberal or conservative, should champion drone programs that save American troops from having a larger footprint and having to put their lives in danger in foreign territories. Drones reduce ground troops, yet they have as powerful an impact. Hillary Clinton points out, in her recent memoir “Hard Choices,” that during her tenure as secretary of state, drone programs were “one of the most effective and controversial elements of the Obama administration’s strategy against Al Qaeda and like-minded terrorists ... bin Laden himself worried about the heavy losses that drones were inflicting.” It is a key plus for drones that **U.S. troops are three times safer from friendly fire attacks** when deployed **in war zones covered by drones** compared with traditional warfare. During the Gulf War, American casualties totaled 382 in-theater deaths, of which nearly 62 percent were due to either friendly fire or other accidents, according to Navy research. However, during the current age of drones, only 21.5 percent of casualties are classified as “non-hostile,” according to Pentagon stats. America and our allies are sometimes literally our own worst enemy on the battlefield. Drones protect our troops from their own traditional battlefield errors. In a letter to President Obama in 2012, 25 congressmen stated, “We are concerned that the use of such “signature” strikes could raise the risk of killing innocent civilians or individuals who may have no relationship to attacks on the United States.” They are just wrong. In fact, **it is a myth that drones disproportionately kill civilians.** After a review of the deaths inflicted by American drones **since 2004**, the Pakistani Defense Ministry concluded that **citizen fatalities occurred at a rate of 3 percent of total kills — a total of 67 innocent civilians.**

## Solvency Turn – Drone Troop Tradeoff

[ ]

[ ] The alternative to drones is boots on the ground, domestically that puts more police in an unnecessarily dangerous position.

### Byman, 2013

(Daniel [Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution]; Why Drones Work; July/ August; kdf)

Of course, it was a Navy SEAL team and not a drone strike that finally got bin Laden, but **in many cases in which the United States needs to capture or eliminate an enemy, raids are too risky and costly.** And even if a raid results in a successful capture, it begets another problem: what to do with the detainee. **Prosecuting detainees in a federal or military court is difficult because often the intelligence against terrorists is inadmissible or using it risks jeopardizing sources and methods.** And given the fact that the United States is trying to close, rather than expand, the detention facility at Guantánamo Bay, Cuba, it has become much harder to justify holding suspects indefinitely. **It has become more politically palatable for the United States to kill rather than detain suspected terrorists.**

**Solvency Turn – Terrorism Risk Increase**

[ ]

**[ ] ISIS could create and detonate nuclear and chemical weapons.****Cirincione, 2014**

(Joe [president of Ploughshares Fund, a global security foundation]; ISIS will be in position to get nuclear weapons if allowed to consolidate power, resources, says expert; [www.nydailynews.com/news/world/isis-nukes-allowed-consolidate-expert-article-1.1958855](http://www.nydailynews.com/news/world/isis-nukes-allowed-consolidate-expert-article-1.1958855); kdf)

**The risk of a terrorist attack using nuclear or chemical weapons has just gone up.** ISIS is willing to kill large numbers of innocents, and it has added three capabilities that catapult the threat beyond anything seen before: control of large, urban territories, huge amounts of cash, and a global network of recruits. British Home Secretary Theresa May warned that if ISIS consolidates its control over the land it occupies, “We will see the world’s first truly terrorist state” with “the space to plot attacks against us.” Its seizure of banks and oil fields gave it more than \$2 billion in assets. If **ISIS** could make the right connection to corrupt officials in Russia or Pakistan, the group **might be able to buy enough highly enriched uranium** (about 50 pounds) **and the technical help to build a crude nuclear device.** Militants recruited from Europe or America could help smuggle it into their home nations. **Or ISIS could try to build a “dirty bomb,” conventional explosives like dynamite laced with highly radioactive materials.** The blast would not kill many directly, but it would force the evacuation of tens of square blocks contaminated with radioactive particles. **The terror and economic consequences of a bomb detonated in the financial districts of London or New York would be enormous.** ISIS could also try to get chemical weapons, such as deadly nerve gases or mustard gas. Fortunately, the most likely source of these terror weapons was just eliminated. The Obama administration struck a deal with Syrian President Bashar Assad that has now destroyed the 1,300 tons of chemical bombs Assad built. Without this deal, ISIS would likely already have these weapons. There are two good answers to these threats. First, drain the swamp: Secure or eliminate the materials ISIS would need to build terror bombs. Second, deter any attack by making sure ISIS knows our retribution would be swift, certain and devastating.

## Solvency Turn – Domestic Protection

[ ]

[ ] Drones are necessary to protect the border, stop trafficking, and find missing persons.

**Whitlock and Timberg, 2014**

(Craig [covers the Pentagon and national security] and Craig [National tech reporter]; Border-patrol drones being borrowed by other agencies more often than previously known; Jan 14; [www.washingtonpost.com/world/national-security/border-patrol-drones-being-borrowed-by-other-agencies-more-often-than-previously-known/2014/01/14/5f987af0-7d49-11e3-9556-4a4bf7bcbd84\\_story.html](http://www.washingtonpost.com/world/national-security/border-patrol-drones-being-borrowed-by-other-agencies-more-often-than-previously-known/2014/01/14/5f987af0-7d49-11e3-9556-4a4bf7bcbd84_story.html); kdf)

**Federal, state and local law enforcement agencies are increasingly borrowing border-patrol drones for domestic surveillance operations**, newly released records show, a harbinger of what is expected to become the commonplace use of unmanned aircraft by police. **Customs and Border Protection**, which has the largest U.S. drone fleet of its kind outside the Defense Department, **flew nearly 700 such surveillance missions on behalf of other agencies from 2010 to 2012**, according to flight logs released recently in response to a Freedom of Information Act lawsuit filed by the Electronic Frontier Foundation, a civil-liberties group. **The records show that the border--patrol drones are being commissioned by other agencies more often than previously known. Most of the missions are performed for the Coast Guard, the Drug Enforcement Administration and immigration authorities.** But **they also aid in disaster relief and** in the search for marijuana crops, methamphetamine labs and missing persons, among **other missions not directly related to border protection.** Because they have sophisticated cameras and can remain in flight for many hours at a time, drones create novel privacy challenges. Civil libertarians have argued that these aircraft could lead to persistent visual surveillance of Americans on private property. Government lawyers have argued, however, that there is no meaningful legal distinction between the use of unmanned and piloted aircraft for surveillance.

**No Solvency – Expansion Inevitable**

[ ]

**[ ] Inevitably, all countries will have drones by 2024 because of China.****Russia Times, 2014**

(All countries will have drone kill technology in 10 years - report; May 7; [rt.com/news/157340-us-drones-military-defense/](http://rt.com/news/157340-us-drones-military-defense/);kdf)

In just one decade, just about **every country in the world will have the means to either build or buy unmanned aerial vehicles (UAV) capable of** launching missiles at enemy targets, thus **dramatically changing the face of warfare.** Despite a track record that is stained with the blood of innocent victims, **drone technology is quickly becoming the weapon of choice for militaries around the globe, and it's too late for the United States** – presently the leader in UAV technologies – **to stop the rush,** according to Defense One, a site devoted to security issues. Just a few countries now hold membership in the elite drone club, including the US, United Kingdom, Russia, Israel, Iran, Pakistan and China. Other countries, such as South Africa and India, are actively seeking to join. According to the RAND organization, however, another 23 countries “are developing or have developed” armed drones. Experts point to China’s prowess in building knockoff drones, which are expected to flood the market very soon. **“Once countries like China start exporting these, they’re going to be everywhere really quickly. Within the next 10 years, every country will have these.”** Noel Sharkey, a robotics and artificial intelligence professor from the University of Sheffield, UK, told Defense One. “There’s nothing illegal about these unless you use them to attack other countries. Anything you can [legally] do with a fighter jet, you can do with a drone.”



**No Solvency – Drone Proliferation Inevitable**

[ ]

[ ] International drone proliferation is inevitable.

**Cabural, 2015**

(Marie; Russia to build hundreds of drones for it's military by 2025;  
[www.valuewalk.com/2015/05/russia-military-drones-2025/](http://www.valuewalk.com/2015/05/russia-military-drones-2025/); kdf)

**Russia is planning to build hundreds of unmanned aerial vehicles (UAVs) or drones for its military by 2025**, according to RIA Novosti based on information from a representative from United Industrial Defense Corporation Oboronprom. The source said Russia plans to integrate the drones in its military to perform different functions. “By 2025, as a result of the implementation of [new] measures, the government will get several hundred modern, Russian-made unmanned aerial vehicles [UAVs] of various types. Most of them will be drones used for short ranges, the most needed in [Russian] armed forces,” according to the source. **The state-owned defense corporation will build the drones domestically** in collaboration with JSC Vegas Radio Engineering, a company expert in surveillance devices. It is still uncertain as to when Russia plans to deploy its first batch of drones. Russia already completed R&D on drones Andrei Shibitov, deputy head of Russian Helicopters Company, a subsidiary United Industrial Defense Corporation Oboronprom recently stated that the **Russia’s Defense Ministry already ordered the tactical and technical characteristics of the new drones**, which are currently under development. We’ve done all necessary R&D work and together with the Defense Ministry, we are going to work on UAVs weighing over 750 kilograms,” said Shibitov. He added that they were working on heavier types of drones. Earlier this year, the engineers at United Instrument Corporation, a unit of Rostec State Corporation developed a new concept for a two-ton drone, which has the ability to transport personnel, supplies, reconnaissance equipment, and onboard weapons systems. Russia is expected to approve a prototype of the two-ton drone after conducting a series of tests this summer.

## No Solvency – Warrants Ineffective

[ ] Requiring warrants in the instance of drones is ineffective.

### McNeal, 2014

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; [www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance](http://www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance); kdf)

**Legislators should reject calls for a blanket requirement that all drone use be accompanied by a warrant.** If legislators forgo the property rights approach detailed in Part A. above, they should eschew proposals that require warrants for the use of drones. **Such prohibitions are overbroad and ill-advised.**<sup>[50]</sup> **Legislation that requires warrants for drones treats the information from a drone differently than information gathered from a manned aircraft,** differently than that gathered by a police officer in a patrol car, or even from an officer on foot patrol. Under current Fourth Amendment jurisprudence, **police are not required to shield their eyes from wrongdoing until they have a warrant. Why impose such a requirement on the collection of information by drones?** Much of the anti-drone activists efforts are aimed at the threat of persistent and pervasive surveillance of the population by the government, an understandable fear. But what is an unreasonable fear, and should not work its way into legislation, is a ban on ordinary aerial observations that are only controversial because they take place with a remote controlled helicopter rather than a manned one. If anybody in a Cessna can see the pollution pouring from a factory, or if the police flying in a helicopter can see a cartel's drug operations or human trafficking ring --- and such observations can be admitted as evidence in a criminal trial, shouldn't citizens and the police be able to make the same observations and expect that the evidence won't be excluded merely because it is collected with a remote control aircraft? For example, **imagine a police officer was on patrol in her patrol car. While driving, she witnesses the car in front of her strike a pedestrian and speed off.** Until witnessing the crime she did not have probable cause (the predicate level of suspicion for a warrant), or even reasonable suspicion (the predicate level of suspicion for a brief investigatory stop) to believe the vehicle in front of her would be involved in a crime. Let's further assume that her dash camera recorded the entire incident. Nonetheless, that **dashcam video may be used as evidence against the driver in a subsequent criminal proceeding. However, under broadly worded proposals that have been introduced in many state legislatures and the U.S. Congress, the same piece of evidence if gathered by a drone would be inadmissible in court because police did not have a warrant.** Consider another example. Police receive an anonymous tip that someone is growing marijuana in their backyard. A police officer attempts to view the backyard from the ground but his view is blocked by a 10 foot tall fence. The officer next decides to fly a commercially available remote controlled helicopter<sup>[51]</sup> over the backyard and from a vantage point that does not violate FAA regulations observes marijuana plants growing in the yard. This observation would be unlawful under proposals that require a warrant for observations from a drone. However, these facts are nearly identical to the facts in the Supreme Court's 1986 California v. Ciraolo<sup>[52]</sup> decision which upheld aerial surveillance (discussed above). The only difference is that in Ciraolo, the officer flew over the backyard in an airplane, rather than using a drone. In fact, in Ciraolo the Court noted that not only would observation of the marijuana plants from the air (as described above) be lawful, police officers peering over the fence from the top of a police truck would also be behaving lawfully, and by extension, observation of the marijuana plants by police from the third floor of a neighboring home would also be lawful. But under proposals requiring a warrant for observations by a drone, this evidence would be inadmissible.

# **Aerospace Industry Disadvantage**

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## **Summary**

This Negative position argues that the Affirmative's plan should be rejected because it is harmful to the U.S. aerospace industry. The argument continues to evaluate why the aerospace industry is critical for both our economy and our technological competitiveness.

First, the Negative needs to prove that the drone industry is thriving or will continue to thrive in the status quo. This is so that the Negative can distinguish between the status quo and the world of the plan. Specifically, the evidence indicates that recent regulatory changes are encouraging investors and inventors to enter the drones market. Fundamentally, this means that the status quo is a world in which the drones industry will grow stronger, while the world of the plan is a world in which the drones industry will collapse.

Why will the drone industry collapse? The evidence indicates that the rush to ban certain usages of drones would destroy the confidence that has been built up recently. People would be afraid of entering the market because they are scared that *their specific usage* of drones could also be banned at any time. If someone does take that risk and their drone usage becomes subsequently banned, they would have lost all of their money building up their business. Most wise investors would never take that risk.

A connection also needs to be made between the drones industry and the aerospace industry in general. The evidence indicates that the age of manned flight is ending, and as the drone industry gets stronger, the aerospace sector will shift towards drones so much that there would be more unmanned flights than manned flights within the next two decades.

Lastly, the aerospace industry is one of the largest drivers of our economy, and arguably the strongest driver of our innovation in technology. There are many reasons for this, including new technological patents that are developed through the industry, the creation of new jobs, and exports to other countries for their flight needs.

## **Glossary**

**Aeronautics/Aerospace Industry** – An industry that focuses on all aircraft, spacecraft, and associated technological industries.

**FAA (Federal Aviation Administration)** – A branch of the U.S. Department of Transportation that has the authority to regulate all aspects of U.S. civil (non-military) aviation.

**Nascent** – Just coming into existence and beginning to display signs of future potential.

**Paranoia** – A thought process believed to be heavily influenced by anxiety or fear, often to the point of irrationality and delusion.

**Political Gridlock** – A situation when there is difficulty of passing laws in a legislature because the votes for and against a proposed law are evenly divided, or in which two legislative houses, or the executive branch and the legislature are controlled by different political parties, or otherwise cannot agree.

**UAV (Unmanned Aerial Vehicle)** – Commonly known as a drone, and also referred to as an unpowered aerial vehicle and a remotely piloted aircraft (RPA), is an aircraft without a human pilot aboard. Its flight is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle.

**U.S. Department of Defense** – An executive branch department of the federal government of the United States charged with coordinating and supervising all agencies and functions of the government concerned directly with national security and the United States Armed Forces.

**U.S. Department of Homeland Security** – A department of the United States federal government, created in response to the September 11 attacks, and with the primary responsibilities of protecting the territory of the United States and protectorates from and responding to terrorist attacks, man-made accidents, and natural disasters.

**U.S. Department of Commerce** – A department of the United States government concerned with promoting economic growth. The mission of the department is to "promote job creation and improved living standards for all Americans by creating an infrastructure that promotes economic growth, technological competitiveness, and sustainable development".

**Warrant (Search)** – a court order that a magistrate, judge or Supreme Court official issues to authorize law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate any evidence they find.

**1NC Shell (1/3)**

**A. Uniqueness – Previous regulations have prevented the US drones industry from being globally competitive, but recent changes are bringing us back from the brink.**

**Hazel and Aoude**, partner and associate at Oliver Wyman, **2015**

(Bob Hazel, Transportation Practice at Oliver Wyman, and Georges Aoude, Transportation Practice at Oliver Wyman, “U.S. Regulators Must Allow Drone Industry to Catch Up,” June 22, 2015, <http://www.brinknews.com/u-s-regulators-must-allow-drone-industry-to-catch-up/>)

**In Japan, farmers have been using drones for decades to inspect crops. In Canada, police use drones for search-and-rescue operations. In the U.K., drones are used for commercial photography. In the U.S., these activities have always been illegal without special permission from the Federal Aviation Administration (FAA), which, until recently, was rarely granted. That began to change this year when the FAA proposed regulations for commercial drones. Once the rules are finalized in a couple of years, the U.S. can finally start catching up with other countries in this growing industry.** Meanwhile, the U.S. is leaving billions of dollars in economic growth on the table as drone developers and customers do business elsewhere. **It is not too late to catch up. With reasonable and globally competitive regulations, the U.S. could still become a leader in this growing industry.** The rules proposed in February are a good first step because they are based on the FAA’s characterization of the risk that the small, unmanned aircraft pose to the public. It’s important for the FAA to create the right risk-based foundation for drone regulations, not just to unleash the U.S. market, but also to guide the next regulatory issue that will be more fraught: privacy. **By 2035, the number of** unmanned aerial vehicle, or **UAV, operations** each year **will surpass the number of manned aircraft operations**, according to the U.S. Department of Transportation research arm, the Volpe Center. Industry experts estimate the global drone market is worth between \$6 billion and \$12 billion, and commercial drones account for about 10 percent. The Volpe Center forecasts the U.S. commercial drone market will reach \$5 billion annually by 2035.

## 1NC Shell (2/3)

## B. Link – The plan would destroy this new nascent drone industry.

## Berry, 2014

(Michael [partner in the Philadelphia office of Levine Sullivan Koch & Schulz LLP]; THE DRONES ARE COMING: ... AND FOR NOW WE SHOULD GET OUT OF THEIR WAY; 36 Pennsylvania Lawyer 50)

In the meantime state and local governments around the country have begun to consider drone legislation. By the end of 2013, 43 states, including Pennsylvania, had considered drone legislation, with nine passing laws. All nine of those states have placed restrictions on the government's use of drones. Most of those laws regulate law enforcement, permitting drones to be used only in limited circumstances such as when the police have a warrant or an exception to the warrant requirement applies. Three states have placed limits on the private use of drones. Oregon allows private property owners to file suit against drone operators under certain circumstances if the drones are flown less than 400 feet above their property. Texas allows people and companies to use drones to capture images in some circumstances (such as for scholarly research, mapping land or monitoring gas utilities). But Texas law makes it a crime to use a drone to capture an image of a person or private property "with the intent to conduct surveillance." Idaho has gone even farther, banning people from using drones to photograph or film others without their consent for the purpose of publication. Pennsylvania should not rush to follow these states' examples of restricting private drone use. The Texas and Idaho laws pose serious constitutional questions. People can take photographs of others in places where there is no reasonable expectation of privacy, whether their subjects consent or not. This principle is deeply etched into the law and has proven essential to newsgathering and reporting on matters of public concern. Legislators should not trample this fundamental legal principle. Second, these laws are unnecessary here. Pennsylvania already has a number of laws in place to protect people against the harms those other states are seeking to prevent. For example, our stalking, harassment and "Peeping Tom" laws already make it illegal for people to use drones in potentially nefarious ways. If someone believes he or she has been victimized by a drone, Pennsylvania already provides an array of remedies. Some examples: If a person claims that a drone operator invaded his or her privacy by filming the person in a private place, the person would have a remedy through a claim for an intrusion. If that private footage were then tortuously broadcast, the person could file a claim for publication of private facts. Similarly, if a person were physically injured by someone's drone, that person could file a claim for battery. And if a person claims that drones are interfering with enjoyment of his or her property, that [\*54] person can file a claim for nuisance. When it comes to private use of drones, there is simply no need to rush to pass new state laws. Finally, rushing to enact new laws could threaten to extinguish the nascent drone industry before it gets off the ground and before we fully understand drones' potential uses and benefits. We should see how drones develop, what we learn from the FAA test sites and what rules the FAA proposes and implements. We should not act before we have a more complete record. In the meantime, if problems arise, we should allow existing laws to do their job. Drones are coming. As they begin to arrive, let's monitor their progress and get out of their way for now.



## 1NC Shell (3/3)

**C. Internal Link – Drones are key to the aerospace industry. The plan would destroy our competitiveness.**

**EU Business, 2014**

("Remotely Piloted Aviation Systems, or Drones", April 8, 2014, EUBusiness.com, <http://www.eubusiness.com/topics/transport/drones/>)

Drones are already beginning to appear in our skies but there are no clear general rules, at national or at European level, which put in place the necessary safeguards protect the safety, security and privacy of people. In addition, operational and technical rules also need to be further developed in order to ensure that civil drones can fly like 'normal' air traffic and be integrated among 'normally piloted' aircraft in non-segregated airspace without affecting the safety and the operation of the whole aviation system. **It is clear that mastering civil drones (RPAS) technology is key to the future competitiveness of the European aeronautics industry** - on some estimates in the next 10 years it could be worth 10% of the aviation market. **The impact of drones and their many applications on the economy could potentially be compared to the development of the internet in the nineties. It means that the safe development of the European market for drones is crucial step towards building the aviation market of the future.** For all these reasons the European Council, in December 2013, asked the Commission to develop a framework for the safe integration of RPAS into civil airspace as from 2016.

**D. Impact – The aerospace industry is key to US economic power and innovation.**

**Faux, 2012**

(Jeff Faux, Ex-President and Distinguished Fellow of Economic Policy Institute, Studied, taught and published on a wide variety of economic and political issues from the global economy to neighborhood community development, from monetary policy to political strategy. He is the author or co-author of six books, the latest being, The Servant Economy: Where America's Elite is Sending the Middle Class (Wiley, 2012). Economic Policy Institute, "The Aerospace Sector as a National Asset—Viewpoint", [http://www.epi.org/publication/webfeatures\\_viewpoints\\_airspace\\_natlasset/](http://www.epi.org/publication/webfeatures_viewpoints_airspace_natlasset/), May 14, 2002)

**The aerospace industry is a unique strategic asset for America.** In addition to its obvious national security benefits, the industry makes, and must continue to make, **a critical contribution to our economic growth and rising living standards. U.S. aerospace is a major source of: Technological innovation with substantial spillovers to other industrial and commercial sectors. High wage employment, which spreads the benefits of rising productivity throughout the U.S. economy. Exports, which America will need to substantially increase in order to resolve the growing problem of our current account deficit and rising foreign debt. Thus, a healthy aerospace industry ought to be a primary goal of our nation's economic policy.** It represents the cumulative private and public investments of past decades. Allowing it to wither is, in effect, a national decision to abandon those investments.

## AT: Uniqueness Overwhelms the Link – FAA Solves

[ ]

[ ] Economic growth will only happen if the industry isn't burdened by new regulations.

**Wolfgang, 2013**

(Ben; Drone industry predicts explosive economic boost; Mar 12;  
[www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all](http://www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all))

Drones as weapons and **drones as spies remain matters of intense debate** across the country, **but the controversial aircraft are poised to make an impact as** something else: **economic engines**. Private-sector drones — also called unmanned aerial systems or **UAVs** — **will create more than 70,000 jobs within three years and will pump more than \$82 billion into the U.S. economy by 2025, according to a major new study** commissioned by the industry's leading trade group. But **the report**, authored by aerospace specialist and former George Washington University professor Darryl Jenkins, **assumes that the White House and Congress stick to the current schedule and have in place the necessary legal and regulatory frameworks. Current law calls for full drone integration into U.S. airspace by September 2015**, but many key privacy questions surrounding UAVs have yet to be answered. There's also growing doubt that the Federal Aviation Administration can meet the congressionally mandated timetable.

**AT: No Link – Only Limits Surveillance**

[ ]

[ ] Law enforcement drones are key to make up for cuts in military drone spending.

**Reid, 2014**

(Melanie [Associate Professor of Law, Lincoln Memorial University-Duncan School of Law];  
GROUNDING DRONES: BIG BROTHER'S TOOL BOX NEEDS REGULATION NOT ELIMINATION;  
20 Rich. J.L. & Tech. 9;)

**The Pentagon cut spending on military drones from \$4.8 billion in 2012 to \$3.8 billion in 2013 with further reductions anticipated.** n53 Initially, drones were used by the military as a reconnaissance tool, with the D-21 drone making its first reconnaissance mission over China in 1969. n54 In 1995, the Central Intelligence Agency (CIA) sent drones on more than 600 reconnaissance missions in the Bosnian conflict, and the drones also provided intelligence for NATO forces in the 1999 Kosovo air campaign by "searching for targets" and "keeping an eye on Kosovar-Albanian refugee camps." n55 In January 2001, the CIA considered assassinating Osama bin Laden with the Predator drone, but the Predator had only been used for reconnaissance missions. n56 This was the first occasion that the military considered using drones as a weapon rather than as a reconnaissance tool. n57 Today, **with significant military budget cuts looming, drone manufacturers need to find a new market for their creations.** P14 Therefore, **aerospace manufacturers are looking to create a lucrative civilian market.** The chief operating officer of a Los Angeles-based company that makes operating systems for drones, Denis Clements, remarked that the drone industry is transitioning "from all-military on a relatively small scale to international and commercial on a large scale." n58 The AUVSI estimates that the industry will be worth \$ 82 billion and employ 100,000 people by 2025. n59 P15 **Law enforcement**, in particular, is **interested in using drones as they are typically smaller than traditional aircraft, less likely to be detected, create less noise and vibrations, and less expensive than aircraft and helicopters so they can afford to purchase and use more of them.** n60 Of course, the cost depends upon the size and sophistication of the drone, and law enforcement need also worry about collisions and tort liability if one of their drones collides with other aircraft or destroys personal property on the ground.

**AT: Non-Unique and Link Turn – States Are Limiting Now**

[ ]

[ ] **Only some states will limit drones. The drones industry will just set up shop where the environment is friendly. Federal regulation makes the entire nation a hostile environment.**

**Wolfgang, 2013**

(Ben; Drone industry predicts explosive economic boost; Mar 12;  
[www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all](http://www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all);) )

There's also growing doubt that the Federal Aviation Administration can meet the congressionally mandated timetable. If deadlines are met and drones become commonplace in American skies, some states will be especially big winners. **Virginia**, for example, **stands to gain nearly 2,500 jobs by 2017. It also could take in \$4.4 million in tax revenue and see more than \$460 million in overall economic activity by 2017**, the report says. Virginia would gain the eighth-most jobs of any state as a result of drone integration. Maryland isn't far behind, with projections of more than 1,700 new jobs by 2017. **California would be by far the biggest winner in terms of jobs, with more than 12,000 expected**. Florida, Texas, New York, Washington, Connecticut, Kansas, Arizona and Pennsylvania are also expected to benefit greatly from the coming drone economy. **"This is an incredibly exciting time for an industry developing technology that will benefit society, as well as the economy,"** said Michael Toscano, president and CEO of the Association for Unmanned Vehicle Systems International, a trade group that has existed for more than 40 years but has come into the public eye only recently. **Drone expansion "means the creation of quality, high-paying American jobs,"** Mr. Toscano continued. But the motivation behind Tuesday's report — arguably the most sweeping look ever at the economic potential of drones — runs deeper than just dollars and cents. **The industry faces an uncertain future in light of growing public paranoia surrounding the craft — paranoia that has only been heightened by the debate over whether the Obama administration would ever consider using a drone to kill an American on U.S. soil.** While the drones that will be employed by U.S. companies or law enforcement agencies are far different than the military-style UAVs equipped with Hellfire missiles, those distinctions aren't always clear. Tuesday's report not only offered the industry a chance to shine the spotlight on drones' positive uses and economic potential, but also served as an opportunity — or, perhaps a warning — to lawmakers seeking to limit UAVs. More than 20 states are considering bills to establish strict guidelines for what drones can do. Virginia is mulling a measure that would put a two-year moratorium on all government use of drones. Such a measure would be especially harsh because first-responders such as police and fire departments are expected to be one of the largest markets for UAVs. **Like other growing and thriving sectors of the economy, the drone business likely will set up shop in friendly environments.**

## AT: Link Turn – Plan Reverses Legal Uncertainty

[ ]

[ ] The new FAA regulations and Obama’s executive order are already solving current legal uncertainty. The plan reverses all of that.

**Whitlock**, reporter for the Washington Post, 2015

(Craig, Washington Post, “FAA rules might allow thousands of business drones,” February 15, 2015, [https://www.washingtonpost.com/world/national-security/faa-releases-proposed-rules-for-domestic-drone-use/2015/02/15/6787bdce-b51b-11e4-a200-c008a01a6692\\_story.html](https://www.washingtonpost.com/world/national-security/faa-releases-proposed-rules-for-domestic-drone-use/2015/02/15/6787bdce-b51b-11e4-a200-c008a01a6692_story.html))

In reality, FAA officials have acknowledged that it is extremely difficult to police the skies or crack down on rogue drone pilots. Most drones are too small to appear on radar. And even when they are spotted near airports or intruding into congested airspace, it is hard to chase them, much less to track down whoever is flying them by remote control. **Although the proposed regulations announced Sunday are tailored for commercial drones, they are expected to trigger a huge expansion in drone use by government agencies, such as police and fire departments.** Under current rules, agencies must go through a cumbersome application process to win FAA approval to fly drones, determined on a case-by-case basis. **The new regulations would lift many of those obstacles. Law enforcement agencies could fly their own drones to conduct surveillance or could hire a contractor to do so.** The FAA and the White House had intended to unveil their drone rules later this month. But an official document highlighting some of the proposed regulations was inadvertently posted on a federal Web site Friday night, prompting the Obama administration to announce the changes in the middle of a holiday weekend. **While the FAA rules are designed to exploit the economic potential of drones without jeopardizing aviation safety, the order issued Sunday by President Obama is intended to safeguard personal privacy** and require the federal government to be more forthcoming about when and where it uses drones to conduct surveillance. **All federal agencies, for example, would have to disclose where they conduct drone operations within the United States, as well as their policies for storing and protecting personal information collected from surveillance flights.** Agencies would also have to issue an annual report detailing the types of missions they flew in the previous year. **The order will have a large impact on the Defense Department and law enforcement agencies such as the FBI and the Department of Homeland Security, which uses drones to patrol the nation’s borders.** The FBI has been especially secretive about its drone operations, even ducking lawmakers’ queries about how many it has and how often they are used. **It is a very big deal and a very positive step,** said Lisa Ellman, a former Justice Department official who helped prepare the presidential order and works on drone issues as a lawyer in private practice. The agencies, she said, “understand that even with all the benefits of drones, the American public has concerns — concerns about privacy and concerns about accountability.” **In addition, Obama directed the Commerce Department to work with companies and the drone industry to develop a voluntary code of conduct for the private sector regarding surveillance and privacy protections.**

AT: No Internal Link – Industry Hype

[ ]

[ ] There is consensus on the economic impact of drones.

**Drugan, 2015**

(John; Drones a source of debate-and economic impact; Feb 5;

[www.uschamberfoundation.org/blog/post/drones-source-debate-and-economic-impact/42600;](http://www.uschamberfoundation.org/blog/post/drones-source-debate-and-economic-impact/42600;))

**At a recent hearing** held by the House Science Space and Technology Committee, **lawmakers and business leaders cited studies predicting as many as 200,000 new jobs and an \$82 million economic impact** from this new technology. A majority of the hearing was a dialogue between witnesses and Congress to discuss how the FAA should shape regulation to introduce them into the National Airspace System in a manner that will best foster growth within the industry. The regulatory debate surrounding the FAA's UAV policies will no doubt be intensified and expedited, given the recent alarming incident of a UAV drone landing on the White House lawn. Surprisingly, **despite disagreement on the FAA's regulation, Congress and industry experts were in complete agreement on the potentially massive economic impact that UAV technology could have on the American economy** and the necessity to act as soon as possible. **What may be even more surprising than the impact UAV technology may have are the different sectors of American industry that will be influenced by it.**

## AT: No Internal Link – Drone Industry Resilient

[ ]

[ ] It's a new industry—it's not resilient yet. The plan creates uncertainty within the industry—derails growth.

**Koebler, 2013**

(Jason; Drone Industry: Privacy 'Distractions' Could Have Major Economic Impacts; Mar 13; <http://www.usnews.com/news/articles/2013/03/13/drone-industry-privacy-distractions-could-have-major-economic-impacts;>)

**A new report released** by a drone industry trade group **suggests that using unmanned planes** in the United States **could create more than 70,000 jobs and \$82 billion in economic impact** over the next few years. **But** the head of the organization warns that **"privacy distractions" could derail the industry.** The report, released Tuesday by the Association for Unmanned Vehicle Systems International, suggests that most of the impact will come within the first three years of commercial integration of drones—tentatively set by the Federal Aviation Administration to occur in 2015—and that drones will most commonly be used in agricultural settings and for public safety reasons. [READ: Hagel Orders Review of 'Drone Medal'] So far, at least 31 states are considering legislation that would limit the use of drones, and a bill in Virginia that would put a two-year moratorium on drone use is waiting to be signed by governor Bob McDonnell. **Many of the bills being considered have been championed by civil liberties groups** such as the ACLU **and would put severe limits on the commercial use of drones in those states. Some proposed bills would require police to get a search warrant before operating a drone. Most of the proposed bills,** according to Michael Toscano, president and CEO of AUVSI, **would delay or diminish the positive economic impacts that the drone industry can have in a state. "This privacy stuff is a distraction," he says. "Look how much energy we're spending on that. It has the ability to affect things going forward."**

**AT: Impact Turn – Aerospace Lobby Blocks Deficit Recovery**

[ ] Deficit recovery is not an excuse for the failure to create jobs. Political controversy should not interfere with solving for realistic consequences.

**Krugman, 2011**

(Paul Krugman, columnist for the New York Times, Professor of Economics and International Affairs at Princeton University, recipient of the Nobel Prize in economics, The Salt Lake Tribune, Can't or Won't?, July 12, 2011, <http://www.sltrib.com/sltrib/opinion/52169105-82/economy-government-workers-excuse.html.csp>)

If you were shocked by Friday's job report, if you thought we were doing well and were taken aback by the bad news, you haven't been paying attention. The fact is, the U.S. economy has been stuck in a rut for a year and a half. Yet a destructive passivity has overtaken our discourse. Turn on your TV and you'll see some self-satisfied pundit declaring that nothing much can be done about the economy's short-run problems (reminder: This "short run" is now in its fourth year), that we should focus on the long run instead. This gets things exactly wrong. The truth is that **creating jobs in a depressed economy is something government could and should be doing. Yes, there are huge political obstacles to action — notably, the fact that the House is controlled by a party that benefits from the economy's weakness. But political gridlock should not be conflated with economic reality. Our failure to create jobs is a choice, not a necessity — a choice rationalized by an ever-shifting set of excuses. Excuse No.1: Just around the corner, there's a rainbow in the sky.** Remember "green shoots"? Remember the "summer of recovery"? Policymakers keep declaring that the economy is on the mend — and Lucy keeps snatching the football away. Yet these **delusions of recovery have been an excuse for doing nothing as the jobs crisis festers. Excuse No.2: Fear the bond market.** Two years ago The Wall Street Journal declared that interest rates on U.S. debt would soon soar unless Washington stopped trying to fight the economic slump. Ever since, warnings about the imminent attack of the "bond vigilantes" have been used to attack any spending on job creation. But basic economics said that rates would stay low as long as the economy was depressed — and basic economics was right. The interest rate on 10-year bonds was 3.7 percent when The Wall Street Journal issued that warning; at the end of last week it was 3.03 percent. How have the usual suspects responded? By inventing their own reality. Last week, Rep. **Paul Ryan**, the man behind the GOP plan to dismantle Medicare, **declared that we must slash government spending to "take pressure off the interest rates" — the same pressure, I suppose, that has pushed those rates to near-record lows. Excuse No.3: It's the workers' fault. Unemployment soared during the financial crisis and its aftermath.** So it seems bizarre to argue that the real problem lies with the workers — that the millions of Americans who were working four years ago but aren't working now somehow lack the skills the economy needs. Yet that's what you hear from many pundits these days: High unemployment is "structural," they say, and requires long-term solutions (which means, in practice, doing nothing). Well, **if there really was a mismatch between the workers we have and the workers we need, workers who do have the right skills, and are therefore able to find jobs, should be getting big wage increases. They aren't.** In fact, average wages actually fell last month. Excuse No.4: We tried to stimulate the economy, and it didn't work. Everybody knows that President Barack Obama tried to stimulate the economy with a huge increase in government spending, and that it didn't work. But what everyone knows is wrong.



# **Aerospace Industry Disadvantage Affirmative**

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## **Summary**

Answers to this disadvantage is very diverse, and a tactical Affirmative team would need to choose which arguments to read. Many of these arguments cannot be read together, so reading through the entire packet to fill speech time is not an encouraged tactic.

The possible responses here include attacks on the role of the status quo. One such argument suggests that the drone industry is now so strong that the plan's impact would be insignificant. Another argument suggests that the drone industry is going to collapse due to state limitations anyway. One can easily see how these two arguments, while both Affirmative responses, cannot be argued simultaneously. Other examples exist in this packet, but that's for the debater to figure out.

The debate could also center on whether or not the plan would hurt or help the drone industry. There are both defensive and offensive answers here.

Lastly, there are arguments that attack the importance of both the drone industry and the aerospace industry. These include arguments that suggest the Negative evidence is biased, as well as arguments that these industries are actually bad for the economy.

## **Glossary**

**Aeronautics/Aerospace Industry** – An industry that focuses on all aircraft, spacecraft, and associated technological industries.

**FAA (Federal Aviation Administration)** – A branch of the U.S. Department of Transportation that has the authority to regulate all aspects of U.S. civil (non-military) aviation.

**Nascent** – Just coming into existence and beginning to display signs of future potential.

**Paranoia** – A thought process believed to be heavily influenced by anxiety or fear, often to the point of irrationality and delusion.

**Political Gridlock** – A situation when there is difficulty of passing laws in a legislature because the votes for and against a proposed law are evenly divided, or in which two legislative houses, or the executive branch and the legislature are controlled by different political parties, or otherwise cannot agree.

**UAV (Unmanned Aerial Vehicle)** – Commonly known as a drone, and also referred to as an unpowered aerial vehicle and a remotely piloted aircraft (RPA), is an aircraft without a human pilot aboard. Its flight is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle.

**U.S. Department of Defense** – An executive branch department of the federal government of the United States charged with coordinating and supervising all agencies and functions of the government concerned directly with national security and the United States Armed Forces.

**U.S. Department of Homeland Security** – A department of the United States federal government, created in response to the September 11 attacks, and with the primary responsibilities of protecting the territory of the United States and protectorates from and responding to terrorist attacks, man-made accidents, and natural disasters.

**U.S. Department of Commerce** – A department of the United States government concerned with promoting economic growth. The mission of the department is to "promote job creation and improved living standards for all Americans by creating an infrastructure that promotes economic growth, technological competitiveness, and sustainable development".

**Warrant (Search)** – a court order that a magistrate, judge or Supreme Court official issues to authorize law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate any evidence they find.

## Uniqueness Overwhelms Link – FAA Solves

[ ] FAA regulations solve—safe drone use will be inevitable.

### Whitlock, 2015

(Craig Whitlock, Washington Post, “FAA rules might allow thousands of business drones”, [http://www.washingtonpost.com/world/national-security/faa-releases-proposed-rules-for-domestic-drone-use/2015/02/15/6787bdce-b51b-11e4-a200-c008a01a6692\\_story.html](http://www.washingtonpost.com/world/national-security/faa-releases-proposed-rules-for-domestic-drone-use/2015/02/15/6787bdce-b51b-11e4-a200-c008a01a6692_story.html), February 15, 2015)

**Thousands of businesses could receive clearance to fly drones two years from now** under proposed rules that the Federal Aviation Administration unveiled Sunday, **a landmark step that will make automated flight more commonplace in the nation’s skies**. Meanwhile, the White House on Sunday issued presidential directive that will require federal agencies for the first time to publicly disclose where they fly drones in the United States and what they do with the torrents of data collected from aerial surveillance. **Together, the FAA regulations and the White House order provide some basic rules of the sky that will govern who can fly drones** in the United States and under what conditions, while attempting to prevent aviation disasters and unrestrained government surveillance. The FAA’s draft rules would make it relatively simple for real estate agents, aerial photographers, police departments, farmers and anyone else to fly small drones for work purposes. Operators would need to pass a written proficiency test, register the drone and pay about \$200 in fees — but would not have to obtain a regular pilot’s license or demonstrate their flying skills. **The long-awaited regulations** — the FAA had been drawing them up for several years — **are expected to lead to a revolution in commercial aviation**. But they must first undergo a lengthy period of public review and comment that is projected to take at least until early 2017. Once the rules are finalized, **the FAA estimates** that **more than 7,000 businesses will obtain drone permits within three years**. Drone crashes during House committee hearing(1:15) Colin Quinn of 3D Robotics led a demonstration of a drone in flight during a House Science subcommittee meeting on unmanned aircrafts.

**No Link – Only Limits Surveillance**

[ ]

**[ ] Surveillance is not the only usage of drones. Other sectors are key to the drone market****Ballve, 2015**

(Marcelo Ballve, Editorial Director for Business Insider's paid subscription research service BI Intelligence from late 2012 to early 2015. He is now research director at CB Insights, a data startup focused on venture capital and private companies. Ballvé is a graduate of Brown University and Columbia University's school of international and public affairs, "THE DRONES REPORT: Market Forecasts, Regulatory Barriers, Top Vendors, And Leading Commercial Applications," Business Insider, 7/2/15, <http://www.businessinsider.com/drones-report-market-forecast-2015-3>)

**A growing ecosystem of drone software and hardware vendors is already catering to a long list of clients in agriculture, land management, energy, and construction.** Many of the vendors are smallish private companies and startups — although large defense-focused companies and industrial conglomerates are beginning to invest in drone technology, too. In this report from BI Intelligence, we take a deep dive into the various levels of the growing global industry for commercial drones, or unmanned aerial vehicles (UAVs). This 32-page report provides forecasts for the business opportunity in commercial drone technology, looks at advances and persistent barriers, highlights the top business-to-business markets in terms of applications and end users, and provides an exclusive list of dozens of notable companies already active in the space. Finally, it digs into the current state of US regulation of commercial drones, recently upended by the issuing of the Federal Aviation Administration's draft rules for commercial drone flights. Few people know that many companies are already authorized to fly small drones commercially under a US government "exemption" program. Here are some of the main takeaways from the report: **The global commercial drone market will take shape around applications in a handful of industries: agriculture, energy, utilities, mining, construction, real estate, news media, and film production. Most growth in the drone industry is on the commercial/civilian side, as the shift away from the military market gains momentum.** The market for commercial/civilian drones will grow at a compound annual growth rate (CAGR) of 19% between 2015 and 2020, compared with 5% growth on the military side. E-commerce and package delivery will not be an early focus of the drone industry. **Legacy drone manufacturers focused mostly on military clients do not have a natural advantage** in the fast-evolving civilian drone market.

**Non-Unique and Link Turn – States Are Limiting Now**

[ ]

[ ] **State regulations are grounding all drones now because of public outrage—federal action that mandates warrants reverses the trend.**

**Sorcher, 2013**

(Sara, Deputy editor of CSMPasscode, covering security & privacy in the digital age]; The backlash against drones; Feb 21; [www.nationaljournal.com/magazine/the-backlash-against-drones-20130221;kdf](http://www.nationaljournal.com/magazine/the-backlash-against-drones-20130221;kdf))

The Seattle Police Department's planned demonstration of its small surveillance drones quickly devolved into a noisy protest. Angry **residents** attending the community meeting in October **chanted "No drones!"** **drowning out officers' attempts to explain how the unmanned aerial vehicles would support certain criminal investigations, help out during natural disasters, and assist in search-and-rescue operations.** Now it's clear that Seattle's drones, purchased with federal grants, won't be flying over the metro area anytime soon. Amid backlash from civil-liberties advocates and citizens worried about government invasion of their privacy, the mayor earlier this month tabled any drone ambitions—for now. Public concerns are not limited to Seattle. **Lawmakers in at least 11 states want to restrict the use of drones because of fears they will spy on Americans, and some are pushing to require warrants before the robots collect evidence in investigations.** Just this month, the Virginia General Assembly passed a two-year moratorium on drones. The outcry comes after the Electronic Frontier Foundation sued last year for a list of drone applicants within the U.S. When that information went public, staff attorney Jennifer Lynch says, "it really got people up in arms about how drones are being used, and got people to question their city councils and local law-enforcement agencies to ask for appropriate policies to be put in place to regulate drone usage." **Drones change the game: Nearly continuous surveillance could be possible without a physical intrusion such as a property search or an implanted listening device. The flying robots can carry high-powered cameras, even facial-recognition software or thermal imaging to "see" through walls.** They can hover, potentially undetected, for hours or days at a time. As of yet, however, **there are no laws governing the use of domestic drones when it comes to privacy. Unless Congress or the executive branch moves to regulate the robots' use before they take to the skies en masse, states will likely continue to try to limit or ban drone use altogether, which could stymie their potential for other, beneficial uses. And failing to enact privacy limits only increases the likelihood of an incident in which the public perceives that the technology is being misused.**

## Link Turn – Plan Reverses Legal Uncertainty

[ ]

[ ] Legal uncertainty undermines the industry—plan reverses that.

**Rule, 2015**

(Troy A [Associate prof of law @ Sandra Day O'Connor college of law]; Airspace in the age of drones; 95 B.U.L. Rev. 155;)

Although drones have been around for decades, n2 **recent advancements in drone technologies are fueling an unprecedented level of interest in these futuristic devices.** A wide and growing array of ever-more-sophisticated drones is now readily available for purchase at hobby stores and on the Internet. Many of these drones sell for just a few hundred dollars and can effortlessly be controlled from ordinary smartphones. n3 Seemingly overnight, a domestic drones market that once catered primarily to weekend hobbyists is attracting journalists, real estate agents, wedding photographers, law enforcement agencies, and even delivery companies. Unfortunately, **the United States seems ill-prepared for the complex legal questions and regulatory challenges that this massive flock of new domestic drones will bring.** Within the United States, there are already reports of civilian drones crashing into buildings, n4 having hazardously close encounters with helicopters, n5 peeping into residential windows, n6 and being intentionally shot down. n7 Anticipating the potential benefits and difficulties associated with the emergent domestic drone market, **Congress enacted legislation in 2012 instructing the Federal Aviation Administration ("FAA") to adopt regulations [\*158] by September 2015** to facilitate the smooth integration of "civil unmanned aircraft systems" into U.S. airspace. n8 **However, it appears increasingly doubtful that the FAA will meet that deadline.** n9 And in the meantime, the agency is attempting to enforce a controversial moratorium on most commercial drone use. n10 To date, most of the scholarly n11 and legislative n12 activity relating to domestic drones has centered on the devices' potential impact on privacy rights and criminal evidence gathering. Regrettably, **legal academicians and policymakers have devoted far less attention to an unsettled property law question that underlies these and many other domestic drone issues:** Up to what height do surface owners hold strict rights to exclude flying objects from physically invading the airspace above their land? **Legal uncertainty and confusion are likely to continue swirling around the domestic drone industry until courts or legislators clear up this basic property question.**



## No Internal Link – Industry Hype

[ ] Their link is just industry hype—plan won't hurt the industry.

### Bernd, 2013

(Candice [assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#;](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#;))

States Push to Regulate Domestic Drones as Industry Pushes Back The Texas law is just one of many pieces of legislation placing restrictions on the use of domestic drones to be introduced in 43 states this year, passing in eight. **Many of these state-level bills seek to require search warrants for surveillance drones used by local police departments,** and at least six states have required warrants. In 2013, Virginia put in place a two-year moratorium on the use of drones by law enforcement to develop more stringent guidelines. Legislation restricting civilian drone use has passed in states such as Florida, Tennessee, Idaho, Montana and Oregon, but other states such as North Dakota have tried to pass laws that would ban weapons from domestic drones and have failed. **But the industry is pushing back against privacy restrictions and regulations on civilian drones, saying the restrictions will hinder job creation.** In Maine, Gov. Paul LePage backed up the claim by vetoing a bill that would have required police to obtain a warrant before deploying a drone, citing concerns it would kill new aerospace jobs. **"We don't support rewriting existing search warrant requirements under the guise of privacy,"** Mario Mairena told the AP. Mairena is a government relations manager for the Virginia-based Association for Unmanned Vehicle Systems International (AUVSI), an industry group. The group's website boasts hundreds of corporate members, many of which are defense contractors. The group also has ties to the Unmanned Systems Caucus in Congress. **Whether or not requiring a warrant in law enforcement drone operations would kill jobs remains to be seen, but the integration of civilian drones into the NAS would create a considerable economic impact, to be sure.** An AUVSI report estimates that **that the integration of unmanned systems in the U.S. will generate more than \$13.6 billion and create 74,000 jobs within the first three years. But strong regulations of domestic drones in the states may prove especially important depending on what guidelines the FAA puts in place to integrate the technology into the national airspace by 2015,** as some experts fear the susceptibility to co-option of unmanned systems by third-party operators could pose serious risks to domestic security.

## No Internal Link – Drone Industry Resilient

[ ] The domestic drone industry is resilient—billion dollar industry. The money is largely dependent on the applications and not the drones themselves.

### Thompson, 2015

(Cadie Thompson, CNBC, "Here's where the real money is in drones", <http://www.cnbc.com/id/102676023>, May 13, 2015)

**The drone industry is expected to climb to a whopping \$8.4 billion** by 2019, according to ABI Research. But most of that growth won't come from selling hardware. Instead, **it's all the applications and services on top of the hardware** (sometimes literally), **that hold the big opportunity**, said industry experts. All about commercial drone services "Application services, data services, licensing and legal services—once you start adding all of this into the mix, the size of the marketplace starts growing very, very quickly," said Dan Kara, an ABI Research analyst, at the RoboUniverse Conference this week in New York. **The money to be made is actually in the application space to a large degree**, he said. Companies playing in this space include those like PrecisionHawk—which combines unmanned aerial systems with information delivery and sensing technologies to enhance business operations for a slew of different industries—and Airware, a developer of drone software, hardware and cloud services. "So the services [offered by drones] are stored, manipulated and optimized depending on what you are looking for. It's then georeferenced and tagged in a way that you can access that data in the cloud," Kara said. **So really what it is not a drone delivery platform, it's actually an information services architecture.**" Last month, Airware launched an operating system for commercial drones to help big companies both scale their drone operations, and to help them adhere to safety regulations and insurance requirements. Read More Drone driver Airware ready to take flight "Big companies like GE, they can take a small consumer system, and they can take some pictures, but what happens when they need to use hundreds of them?" said Jesse Kallman, director of business development and regulatory affairs for Airware. "How do you do that safely and reliably? How do you do that at scale? How do you get certification for these types of systems?" Kallman said. "[Big companies] are not going to use this technology unless it's proven to be safe," he said. Read More FAA makes big step for drones Follow the money In total, VC **funding in drone companies was more than \$108 million across 29 deals in 2014**, according to data from CB Insights. According to the research firm, Airware was the best-funded drone start-up in 2014, having raised a total of \$40 million from venture capital firms including Kleiner Perkins Caufield Byers, Andreessen Horowitz and First Round Capital. Last month, the company also received an undisclosed investment amount from Intel Capital, which is also invested in PrecisionHawk. **It's a data play. We are going to sell servers and we are going to sell chipsets based on getting this new class of information that we couldn't get before in the same degree in the same amounts**, Kara said. **Traditional drone suppliers both in the consumer and military space are aware this is where the money is flowing and are all trying to get a piece of the action**, he said. For example, more consumer-focused drone makers are adding more advanced capabilities, and military drones, which are typically single-purpose, are beginning to add more technologies so that they can be used for many different scenarios. "Every drone supplier knows this, they recognize this. So you see the military and civil guys moving down and adding new technologies and the prosumer folks are also upgrading their systems," Kara said.

## Impact Turn – Aerospace Lobby Blocks Deficit Recovery

[ ] Strong aerospace lobby blocks deficit recovery

**Reich, 2011**

(Robert Reich, former U.S. secretary of labor 6/5/11

<http://www.dailynewstranscript.com/opinion/columnists/x1360366511/Reich-The-military-industrial-political-complex#axzz1RoxpdPxL>)

**Lockheed has also been spending more than \$3 million a year on political contributions to friendly members of Congress. On top of this, Lockheed gives money to the Aerospace Industries Association to lobby for a bigger defense budget and support members of Congress who will vote accordingly.** But we don't know how much because it's secret. We don't even know how much Lockheed is giving the U.S. Chamber of Commerce to lobby against the president's proposed executive order requiring disclosure of its political activities. That's secret, too. Don't we have a right to know? After all, you and I and other taxpayers are Lockheed's biggest customer. As such, we're financing much of this lobbying and donating. Lockheed's political activities are built into its costs. So when Lockheed contracts with the federal government for a piece of military equipment, you and I and other taxpayers end up paying for a portion of these political activities. It's one of the most insidious conflicts of interest in American politics. Lockheed is hardly alone in using taxpayer money to get fatter contracts from taxpayers. The 10 biggest government contractors are all defense contractors. **Every one of them gets most of its revenues from the federal government. And every one uses a portion of that money to lobby for even more defense contracts. That's one reason the defense procurement budget keeps expanding.** Next year's expected drawdown of troops from Afghanistan and Iraq was supposed to save money. But Lockheed and other giant defense contractors have made sure all anticipated savings will go to new weapons systems. Lockheed recently delivered a budget bombshell with a proposed tab of more than \$1 trillion for a fleet of F-35 joint-strike fighter jets. That doesn't even include \$385 billion that the Defense Department will spend to buy 2,500 of the stealth planes. Tom Burbage of Lockheed acknowledged that the "t" word, as he gently put it, "causes a lot of sensational reaction ... because no one ever dealt with 't's before in the program." That's an understatement. **Congress is nonetheless willing to fund these mammoth projects as if the nation didn't have a long-term budget crisis. Brace yourself. In the wake of last year's Supreme Court decision, Citizens United v. Federal Election Commission, there's no limit on what Lockheed and other defense contractors can spend on politics.** But why should you and I and other taxpayers pay Lockheed to lobby for the trillion-dollar F-35 and support politicians who will vote for it? Why should we pay for the political activities of Northrop-Grumman and Boeing to come up with even more aerospace weapons systems? Or for Raytheon and General Dynamics to procure more high-tech weapons? Or for Blackwater and Halliburton to procure more private military contract workers? The answer is, we shouldn't. Over a half-century ago, President Dwight Eisenhower warned of the dangers of an unbridled military-industrial complex, as he called it. It's now a military-industrial-congressional complex. And after Citizens United, it's more unbridled than ever.

# **Data Erasure Counterplan**

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## **Summary**

The Data Erasure Counterplan is a direct response to the way in which the Affirmative plan attempts to provide the general public with increased privacy from the government by requiring that warrants be obtained before drone surveillance occurs. The warrant requirement of the plan makes it uniquely difficult to prevent certain things, such as terrorist attacks.

The counterplan evidence says that the best approach with drones is to require transparency on reasoning for persistent data collection, erase impertinent information within 48 hours, and require drones have to fly in higher airspace. This still allows the government to preserve privacy for the public by putting drones under the same restrictions as helicopter surveillance.

The counterplan also addresses the concerns about armed drones by sending a consistent message to the international community: Drones will only be allowed domestically with accompanying limitations on their development. The counterplan avoids any prevention of development for the Aerospace Industry DA by not grounding drones. Finally, the counterplan still allows for the constant collection of evidence that could be vital in preventing a looming attack or observing an unpredictable crime from a second-hand perspective.

## Glossary

**Curtail** – Reduce in extent or quantity; impose a restriction on.

**CCTV** – Closed-circuit television. Surveillance cameras that record on a closed circuit, such that only the people with access to the system can watch the footage.

**Curtilage** – An area of land attached to a house and forming one enclosure with it.

**Data Retention** – The storage of data gathered through surveillance operations.

**Fourth Amendment** – The part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

**Jurisprudence** – The theory or philosophy of law.

**Rhetoric** – Language designed to have a persuasive or impressive effect on its audience, but often regarded as lacking in sincerity or meaningful content.

**Ubiquitous** – Present, appearing, or found everywhere.

**Warrant (Search)** – A legal document authorizing a police officer or other official to enter and search a premises.

## 1NC Shell (1/1)

**Counterplan:** The United States federal government should limit the persistent use of aerial surveillance, require law enforcement agents to delete impertinent information after 48 hours, and mandate that aerial surveillance occur at least 350 feet above the ground.

1. The Counterplan has the following net benefits: \_\_\_\_\_.

2. The Counterplan solves – Monitored data erasure is preferable to the warrant-based logic of the affirmative plan.

**McNeal, 2014**

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; [www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance](http://www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance); kdf)

While warrants are appealing to privacy advocates, **the enactment of overly broad restrictions on drone use can curtail non-invasive, beneficial uses of drones. Legislators should reject a warrant-based, technology centric approach as it is unworkable and counterproductive.** Instead, **legislators should follow a property rights centric approach, coupled with limits on persistent surveillance, data retention procedures, transparency and accountability measures and a recognition of the possibility that technology may make unmanned aerial surveillance more protective of privacy than manned surveillance.** This paper makes five core recommendations: Legislators should follow a property rights approach to aerial surveillance. This approach provides landowners with the right to exclude aircraft, persons, and other objects from a column of airspace extending from the surface of their land up to 350 feet above ground level. Such an approach may solve most public and private harms associated with drones. Legislators should craft simple, duration-based surveillance legislation that will limit the aggregate amount of time the government may surveil a specific individual. Such legislation can address the potential harm of persistent surveillance, a harm that is capable of being committed by manned and unmanned aircraft. Legislators should adopt data retention procedures that require heightened levels of suspicion and increased procedural protections for accessing stored data gathered by aerial surveillance. After a legislatively determined period of time, all stored data should be deleted. **Legislators should enact transparency and accountability measures, requiring government agencies to publish on a regular basis information about the use of aerial surveillance devices** (both manned and unmanned). Legislators should recognize that technology such as geofencing and auto-redaction, may make aerial surveillance by drones more protective of privacy than human surveillance.



**AT: Permutation – Implement Rule 1**

**The Plan and CP are incompatible – the warrant requirement of the plan should be rejected entirely because it doesn't protect privacy or public safety, but may protect criminals.**

**McNeal, 2014**

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; [www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance](http://www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance); kdf)

Conclusion The emergence of unmanned aerial vehicles in domestic skies raises understandable privacy concerns that require careful and sometimes creative solutions. **The smartest and most effective solution is to adopt a property rights approach that does not disrupt the status quo. Such an approach,** coupled with time-based prohibitions on persistent surveillance, transparency, and data retention procedures **will create the most effective and clear legislative package.** Legislators should reject alarmist calls that suggest we are on the verge of an Orwellian police state.[73] In 1985, the ACLU argued in an amicus brief filed in *California v. Ciraolo* that police observation from an airplane was “invasive modern technology” and upholding the search of Ciraolo’s yard would “alter society’s very concept of privacy.” Later, in 1988, the ACLU argued in *Florida v. Riley* that allowing police surveillance by helicopter was “Orwellian” and “would expose all Americans, their homes and effects, to highly intrusive snooping by government agents...” In a different context in 2004 (before the advent of the iPhone) police in Boston were going to use Blackberry phones to access public databases (the equivalent of Googling). Privacy advocates decried the use of these handheld phones as “mass scrutiny of the lives and activities of innocent people,” and “a violation of the core democratic principle that the government should not be permitted to violate a person’s privacy, unless it has a reason to believe that he or she is involved in wrongdoing.”[74] Reactionary claims such as these get the public’s attention and are easy to make, but have the predicted harms come true? Is the sky truly falling? **We should be careful to not craft hasty legislation based on emotionally charged rhetoric. Outright bans on the use of drones and broadly worded warrant requirements that function as the equivalent of an outright ban do little to protect privacy or public safety and in some instances will only serve to protect criminal wrongdoing.** Legislators should instead enact legislation that maintains the current balance between legitimate surveillance and individuals’ privacy rights. The best way to achieve that goal is to follow a property centric approach, coupled with limits on pervasive surveillance, enhanced transparency measures, and data protection procedures.

**AT: No Solvency – Privacy**

**Police abuse, not privacy concerns, are the real issue and the CP resolves them.**

**Reid, 2014**

(Melanie [Associate Professor of Law, Lincoln Memorial University-Duncan School of Law];  
GROUNDING DRONES: BIG BROTHER'S TOOL BOX NEEDS REGULATION NOT ELIMINATION;  
20 Rich. J.L. & Tech. 9; kdf)

VI. THE REAL FEAR BEHIND DRONE USE: GOVERNMENT ABUSE P77 **If privacy is not the real concern behind drone use, perhaps it is the fear of law enforcement abuse. If law enforcement uses drone technology to target particular areas of the community and randomly "search for crime," is there another way to keep law enforcement in check than to say drone use automatically triggers the Fourth Amendment and requires a warrant?** General crime monitoring has never been considered an acceptable practice by the Court. n242 Drones should be used only for investigations of specific targets, not merely to "look for crime." Citizens of the United States do not want to become citizens of the next Soviet Union where agents and drones randomly patrol for criminal or anti-state activity. Citizens fear that regular drone flights might inadvertently collect data from a whole range of individuals unrelated to a specific investigation. P78 The answer lies not in requiring a warrant or a particular exception to the warrant requirement, but in requiring law enforcement to seek a court order similar to that required for a pen register under 18 U.S.C § 2703. n243 To obtain such a court order, **law enforcement officials would need to demonstrate specific and articulable facts indicating that the data is relevant to an ongoing criminal investigation. This would prevent law enforcement from using drones to randomly search for crime in a particular area.** The order would specify the identity, if known, of the person who is the subject of the criminal investigation and whom law enforcement would like to surveil and describe the particularized need for the information that can be gathered with the drone. n244 P79 **The order also should contain language requiring law enforcement to discard any information collected by the drone that is not relevant to the scope of the investigation within twenty-four to forty-eight hours.** This requirement would alleviate any concerns that the government would collect this information for other nefarious purposes in the future. Being that it is a court order, this requirement would have teeth as long as magistrates signing these orders follow up and demand that law enforcement demonstrate that they in fact have complied with the order and destroyed any irrelevant information. If a law enforcement officer fails to comply, a variety of sanctions could be used to demand compliance. Sanctions even as severe as jail time would cause any law enforcement agent to comply fully. P80 **The court order also should include a penalty for disclosing to unauthorized persons data obtained from a drone, thereby limiting exposure of the information** to government personnel working on the particular case, similar to grand jury secrecy requirements under the Federal Rule of Criminal Procedure 6(e). n245 Under Federal Rule of Criminal Procedure 6(e)(7), "[a] knowing violation of Rule 6 . . . may be punished as a contempt of court." n246 Moreover, if the drone is flown outside the FAA regulated navigable airspace and views activity not within the public's vantage point, penalties should also be in place to punish those individuals in violation of strict flight guidelines provided in the court order. Punishing individual agents with contempt of court holds both law enforcement and judges accountable and likely will serve as a more effective means to prevent government abuse than requiring warrants prior to drone flights.

**AT: No Solvency – Altitude Privacy**

The 350 foot altitude was chosen to allow owners to maintain property rights below a certain altitude, while still allowing for private drones under FAA regulations, privacy is not the core issue.

**McNeal, 2014**

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; [www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance](http://www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance); kdf)

The uncertainty associated with landowner rights in the airspace immediately above their property has raised two problems. First, there is little clarity regarding where low altitude aerial surveillance by the government would violate the Fourth Amendment. Is it at 500 feet if by a fixed wing aircraft, or 1,000 feet?[31] Is it 400 feet if by a helicopter? **In Riley the Court said that the surveillance conducted at 400 feet by a helicopter did not require a warrant, but it left open the possibility that surveillance at a lower altitude would be acceptable.** Thus raising the question, what about a flight at 350 feet? The case law on whether this would be a lawful observation is not clear, but it's difficult to see how a court applying the principles of Riley would find substantive differences from an observation at 350 feet versus one at 400 feet. That's because the Supreme Court's jurisprudence tells us to look at whether the observation took place from "navigable airspace" or from a vantage point at which a member of the public could otherwise be. For helicopters, navigable airspace could easily include 350 feet above ground level, so long as the pilot was not creating a hazard.[32] For drones and model aircraft, **FAA rules and guidelines for hobbyists require operation below 400 feet, thus an operation at 350 feet would be from a public vantage point.** The problem is not the technology, **the problem is the ability of landowners to exclude aerial observations from certain vantage points (that's a property rights problem).** **Any legislative solution for aerial surveillance must address this issue. Second, the absence of clarity with regard to property rights has also raised concerns about the privacy implications of private (non-government) uses of drones.** While private drone use is beyond the scope of this paper, the right to exclude the government from conducting aerial surveillance is inextricably tied to whether the public would have had a right to make the observation the police made. The linkage of these two concepts suggests that a property rights approach may provide a way to harmonize these separate policy concerns and also address most of the concerns associated with aerial surveillance.

## AT: No Solvency – Persistent Surveillance Circumvention

Bright-line rules are more precise, attuned, and reasonable, and provides more protection.

### Yang, 2014

(Y. Douglas [JD Boston U]; BIG BROTHER'S GROWN WINGS: THE DOMESTIC PROLIFERATION OF DRONE SURVEILLANCE AND THE LAW'S RESPONSE; 23 B.U. Pub. Int. L.J. 343; kdf)

Even when discussing narrowly tailored issues such as aerial surveillance, the Court struggles to maintain a firm footing as to what constitutes a "search," and what does not. n313 Nonetheless, the Supreme Court's framework provides useful guidance for forming a solution that answers how society can successfully assimilate drone surveillance into the American landscape without further deteriorating individual privacy rights and expectations. Beyond the Supreme Court's guidance, the various federal and state legislative responses to the rise of drone surveillance provide yet another insight into how drone surveillance should be treated. n314 Analyzing legislative responses generally yields a much closer view of how the general public views drone use, [\*388] simply because "[a] legislative body is well situated to gauge changing public attitudes, to draw detailed lines, and to balance privacy and public safety in a comprehensive way." n315 **The near-ubiquitous warrant requirements among both the federal and state proposals clearly indicate that the legislatures intend to restrict drone use above and beyond the Supreme Court's baseline rules.** n316 Nevertheless, neither the Supreme Court nor the various legislative proposals properly address how to define and restrict drone surveillance; the Court simply has not addressed the limits of drone use as of yet, and the legislatures have misapplied warrant requirements to drones when such requirements are too broad, too blunt, and unreasonably restrictive. n317 **To effectively address the privacy issues that surround drone surveillance, one needs to apply a new approach that is founded on legal precedent and embraces a balance between society's interest in effective law enforcement and the individual's interest in personal privacy. Instead of applying a near-universal warrant requirement, courts and legislatures should look to bright-line rules that are more precise, attuned, and reasonable, while affording a similar level of protection that an ordinary person enjoys today.** n318 This Note presents six bright-line rules to assist legislatures and courts in their determinations of how drone surveillance should be regulated. n319 Each of the six rules restates the Supreme Court's understanding of the Fourth Amendment, yet simultaneously incorporate suggestions from various federal and state legislative proposals that addressed the public's concerns. n320 As the world of privacy law and the Fourth Amendment wander into the uncertain caverns of drone surveillance, this Note aims to shed some light onto the right path forward. While society may currently see drones as an unknown entity, society may soon find a path that preserves its fundamental values and security, while enabling genuine law enforcement work to carry out its duty to protect us all.

**AT: No Solvency – Time Limit Circumvention**

**Establishing limits on drones is the only method to revitalize the fourth amendment, we cannot assume abuse of those time limits.**

**San Pedro, 2014**

(Victoria [J.D. Candidate, Stetson University College of Law]; STUDENT WORK: DRONE LEGISLATION: KEEPING AN EYE ON LAW ENFORCEMENT'S LATEST SURVEILLANCE TECHNOLOGY; 43 Stetson L. Rev. 679; kdf)

V. CONCLUSION AND RECOMMENDATIONS With the ubiquity of drone licenses among American law enforcement agencies, n288 the drag-net surveillance that was once a laughable concept n289 is now a reality. n290 **While state statutes and proposed federal legislation attempt to limit law enforcement's ability to use drones in surveillance efforts, those proposals and statutes do not adequately address the duration of the surveillance or the sophistication of the technology used by law enforcement to enhance drone capabilities.** Therefore, by requiring a warrant and restricting law enforcement from conducting drone surveillance for a period lasting longer than twenty-four hours, the proposed legislation will best address the issues left open by Fourth Amendment jurisprudence. [\*720] Further, including the exigent circumstances language into the legislation will allow law enforcement agencies to better understand the circumstances that would permit the use of a drone. Because the courts have addressed exigent circumstances on numerous occasions, n291 law enforcement agencies may already have protocols and officer training dealing with exigent circumstances. Rather than drafting legislation that attempts to describe a circumstance meriting the use of a drone, n292 using the exigent circumstances language will allow law enforcement agencies to comply with Fourth Amendment jurisprudence already defined by the Court. Similarly, **legislation imposing a time restriction on the duration of the surveillance will provide law enforcement agencies with a bright-line rule that facilitates application across the board.** Since the current Fourth Amendment jurisprudence provides that one does not have a reasonable expectation of privacy from all observations of one's property, n293 this statutory language will provide a reasonable expectation of privacy from prolonged observations of one's property. **This proposal would comply with current Fourth Amendment jurisprudence regarding fly-over aerial observations and would also be consistent with the mosaic theory.** n294 Further, this proposal limits law enforcement's ability to use any form of drone technology. Given that the technological advancements in this field will likely continue to progress at a rapid pace, any proposed legislation should incorporate an objective standard defining the permissible level of technology or an outright prohibition on the use of all drone surveillance. In this way, we can align the use of this form of technology with Fourth Amendment protections. Rather than providing vague standards, such as technology that is not in general public use, the general restriction provides a bright-line rule to law enforcement agencies. [\*721] Therefore, this proposal would allow law enforcement to be exempt from the warrant requirement for exigent circumstances, while also allowing them to obtain a warrant from a neutral and detached magistrate when law enforcement intends to conduct long-term surveillance, thereby ensuring that law enforcement agencies comply with the warrant requirement of the Fourth Amendment and respect citizens' privacy rights.

**AT: No Solvency – Curtilage Laws Circumvention**

**Drones are unique, circumvention doesn't matter, and warrants can't avoid circumvention harm.**

**Slobogin, 2014**

(Christopher [Milton Underwood Prof of Law, Vanderbilt U Law School]; Panvasive Surveillance, Political Process Theory, and the Nondelegation Doctrine; 102 Geo. L.J. 1721; kdf)

Why has there been such a legislative flurry in connection with drones, while there has been minimal legislative movement on fusion centers and cameras? One might argue that **drones discover more intimate information or are more "intrusive" than these other surveillance techniques**, but that is a hard distinction to accept, given the vast amounts of data fusion centers can collect and the ubiquity of cameras. **The more likely answer is that, given their appearance and their association with our overseas adventures, the panvasive nature of drones--even those, and perhaps especially those, that are hummingbird-like--is dramatically obvious**, whereas fusion centers and cameras operate almost invisibly. n180 Some states will likely leave drone operation up to law enforcement as they have with cameras, rather than require warrants or some other Fourth Amendment-type restriction before they can be deployed. In those states, **courts sensitive to political process theory need to ensure that the legislative authorization meets not only the legislation criterion but also the representation criterion**. Of most concern in this context are law enforcement decisions to fly drones only over certain areas--for instance, urban centers of a city. **That is the same representation issue that arises in connection with CCTV and should be handled in the same manner.**

## AT: Solvency Turn – Separation of Powers

Domestic spying isn't an issue of Separation of Powers.

**Lener, 2014**

(Mark [leads the Constitutional Alliance]; The Chilling Effect of Domestic Spying; Aug 5; americanpolicy.org/2014/08/05/the-chilling-effect-of-domestic-spying/; kdf)

**Congress has its share of the blame for the domestic spying that has and even to this day is taking place. After all it is congress that has the responsibility of oversight over agencies and departments of the federal government.** All too often congress has failed to do what it has been tasked with doing; performing oversight. In fact, not too long ago congress gave retroactive immunity to telecom companies for the roles telecom companies played in illegally collecting information for the NSA at the request of former President Bush. When it comes down to it, there is plenty of “blame” to go around. Some are guilty: All are responsible including the public for not demanding better of our elected and appointed officials. **Whether a Democrat or Republican occupied the White House or regardless of which party controlled the Senate and/or the House of Representatives, domestic spying took place and is still taking place.** Domestic spying is not a “Right” or “Left” issue. Domestic spying is an equal opportunity offender.

## AT: Solvency Turn – Separation of Powers

The court order process could be used as a way to maintain power balance

### Reid, 2014

(Melanie [Associate Professor of Law, Lincoln Memorial University-Duncan School of Law];  
GROUNDING DRONES: BIG BROTHER'S TOOL BOX NEEDS REGULATION NOT ELIMINATION;  
20 Rich. J.L. & Tech. 9; kdf)

Our right to privacy stems from our desire to be free from governmental interference in our daily lives. In the Fourth Amendment context, **we have a right to be free from unreasonable searches and seizures and a right to be free from governmental abuse.** However, these protections do not extend to any limitation on law enforcement's use of drone surveillance in public areas for a specific purpose. There is no realistic expectation of privacy when a drone passes over one's house or car or observes our activity in public. We gave up the luxury of privacy in public places long ago. P84 **Drone use by law enforcement must be limited but not unduly subjected to Fourth Amendment scrutiny, as drones should not constitute a "search." To limit the temptation to use drones to "look for crime," law enforcement could be subject to the court order process prior to utilizing a drone in an investigation.**



**AT: Solvency Turn – Racism**

**Drone expansion provides a check against police violence.**

**Bernd, 2013**

(Candice [assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#); kdf)

Private Citizens and Domestic Drone Technology But in addition to **major corporations**, media activists also **are beginning to look at the possibilities of domestic drones to broadcast live streaming coverage of protests and other actions in such a way that could provide greater transparency of police activity during political clashes**, such as those that occurred in 2011 during the height of the Occupy Wall Street movement. Occupy live-streamer Tim Pool, now a producer with Vice Media, has been experimenting with a small radio-controlled quadcopter drone called the Parrot AR Drone, which can be controlled from a tablet or smartphone. Pool hopes to lower the cost of media production for the individual by using drone technology to gather audio and visual content from the air. "These things make it a lot easier for the average person to pick up the control and say, 'OK, I can do this,' whereas with something like the more expensive drones that have proprietary controllers, you have to learn how to fly those. The AR.Drone is an iPhone app. It looks like a video game," Pool told Truthout. But he admits that in moments when events are breaking it becomes harder to fly a drone. "It's difficult with all the ruckus, the police, with people running. There's no way to predict what's going to happen. It's hard to take your focus away." Pool was on the ground in Turkey during the Occupy Gezi Park demonstrations, which protested an urban development plan to replace the park with a shopping mall. During the demonstrations, Pool witnessed the police forces there shoot down a DJI Phantom drone used by an accompanying journalist, whom he said was detained by police for hours afterward. He expects the same thing could happen in the US.

**"Governments will be a bit behind in adopting drones for surveillance or quad-rotors like this.** I think we'll see the private sector first. **We'll see private individuals filming major breaking news with their drones, hobbyists and eventually I know a lot of news organizations are researching drone potential.** Once that gets legal they'll start flying drones all over the place, and eventually the police will start filming with drones as well," Pool said. And he's right - scores of law enforcement agencies are experimenting with domestic drone technology already.

**AT: Solvency Turn – Dismantling Racism**

**Data erasure allows for secondary law enforcement, no racist assumptions would be made.**

**McNeal, 2014**

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance; kdf)

Legislators should reject broadly worded use restrictions. Some jurisdictions have enacted limitations on how information gathered from drones may be used. **Legislators should reject these broadly worded use restrictions that prohibit the use of any evidence gathered by drones in nearly any proceeding. Such restrictions exceed the parameters of the Fourth Amendment and in some circumstances may only serve to protect criminals while not deterring governmental wrongdoing.** For example, the Alameda County California Sheriff's Department proposed the use of small drones for: crime scene documentation, EOD missions, HAZMAT response, search and rescue, public safety and life preservation missions, disaster response, fire prevention, and documentation of a felony when such documentation is premised upon probable cause.[53] Linda Lyle, a privacy advocate with the ACLU criticized the proposal, stating: "If the sheriff wants a drone for search and rescue then the policy should say he can only use it for search and rescue...Unfortunately under his policy he can deploy a drone for search and rescue, but then use the data for untold other purposes. That is a huge loophole, it's an exception that swallows the rule." [54] Her points mirror **the ACLU's** position in their December 2011 white paper where they **state that drone use is acceptable so long as "the surveillance will not be used for secondary law enforcement purposes."**[55] **It is also similar to the language used in other proposals prohibiting the use of information gathered by a drone "as evidence against an individual in any trial, hearing or other proceeding..."**[56] A simple hypothetical can help to illustrate the problem with this approach. **Imagine that law enforcement uses a drone to search for a lost hiker in a state park.** This is a search and rescue mission that fits within the public safety, emergency, or exigency exceptions in most legislative proposals aimed at controlling drone usage. However, **imagine that during the course of the search the drone observed a man stabbing a woman to death in the park. That collection was entirely inadvertent, and as such suppressing the videotape of the stabbing would not serve to deter the police from using drones in the future as they were not searching for an unrelated stabbing crime.** they were searching for a lost hiker. Yet, that evidence under the blanket use restrictions found in various proposals circulating in state legislatures, Congress, and under the ACLU's "secondary law enforcement purposes" standard would need to be suppressed.[57] **Suppressing secondarily gathered evidence doesn't protect privacy** (as inadvertent discovery can't be deterred); **it merely protects a criminal who if observed from a helicopter, an airplane, or from the ground would face evidence of his crime,** but under broadly worded drone focused privacy bills may be more difficult to prosecute. **It is difficult to see what public policy goal is furthered by suppressing evidence of a crime merely because the evidence was gathered from a drone instead of a helicopter.** Do legislators really want to be in the position of making it harder to punish perpetrators of violent crime? If the discovery were genuinely inadvertent, **there** is little to **no** **deterrent value that justifies suppressing such evidence.**

# **Data Erasure Counterplan Affirmative**

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## **Summary**

The Data Erasure Counterplan Affirmative position gives debaters two options on how to respond to the Negative team's advocacy for a counterplan.

The first option is to create a permutation of the plan and the benefits of the counterplan. This particular permutation invokes Rule 1, which requires warrants in most situations, but would allow law enforcement officials to be excused from acquiring a warrant in certain highly threatening, yet often unpredictable, situations. The permutation is a tool used by the Affirmative team to acknowledge that the issues of secondhand surveillance and security are valid, but that the original Affirmative plan does not prevent other methods from being put in place that will solve those additional problems.

The second option is to reject the counterplan entirely by explaining why it doesn't solve the problems that it claims to solve. The Affirmative position claims that continuing to collect data without initial restrictions still allows for a total surveillance state in which the public is not afforded any right to privacy. It continues on by saying that certain elements of the counterplan that are meant to provide privacy, actually fail to do so. This reasoning applies to all provisions including altitude, persistency or recording, and time limits after recording has occurred. The second option also allows the Affirmative team to claim that the counterplan has negative impacts where the Affirmative's plan has positive impacts. The Affirmative could claim that their plan further strengthens the balance of powers between various branches of government. In contrast, the Affirmative would claim that the counterplan prevents this balancing of power, and thus could solve perception issues, but not the deep structural issues that contribute to racist policies by law enforcement.

## Glossary

**Curtail** – Reduce in extent or quantity; impose a restriction on.

**CCTV** – Closed-circuit television. Surveillance cameras that record on a closed circuit, such that only the people with access to the system can watch the footage.

**Curtilage** – An area of land attached to a house and forming one enclosure with it.

**Data Retention** – The storage of data gathered through surveillance operations.

**Fourth Amendment** – The part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

**Jurisprudence** – The theory or philosophy of law.

**Rhetoric** – Language designed to have a persuasive or impressive effect on its audience, but often regarded as lacking in sincerity or meaningful content.

**Ubiquitous** – Present, appearing, or found everywhere.

**Warrant (Search)** – A legal document authorizing a police officer or other official to enter and search a premises.

## Permutation – Implement Rule 1

**Permutation – Do the plan and counterplan by implementing Rule 1, which exempts situations where a high risk of terrorist attack or imminent danger is present.**

### Yang, 2014

(Y. Douglas [JD Boston U]; BIG BROTHER'S GROWN WINGS: THE DOMESTIC PROLIFERATION OF DRONE SURVEILLANCE AND THE LAW'S RESPONSE; 23 B.U. Pub. Int. L.J. 343)

a. Rule 1: Warrantless Drone Use **Rule 1 embodies the desire of both federal and state legislatures to exclude certain situations from the burden of a warrant requirement.** n228 Common examples of non-law enforcement operations include, but are not limited to, land surveying, n229 weather and climate observation and scientific research, n230 wildlife management and protection, n231 and search and rescue missions. n232 In addition to Rule 1's exemption of non-law enforcement uses of drones, Rule 1 also exempts situations where a high risk of terrorist attack or imminent danger to life or property exists. This specific provision finds its inspiration in Virginia's [\*377] warrant exception that allows drone use for responses to Amber Alerts, n233 Senior Alerts, n234 and search-and-rescue missions." n235 While the Fourth Amendment covers all government intrusions of privacy, government activity that does not involve criminal investigation tends to involve "a less hostile intrusion than the typical policeman's search for the fruits and instrumentalities of crime." n236 Moreover, **drones can be a potent tool to assist in searching for missing persons and in police emergencies, much in the same way that police helicopters and aircraft currently provide aerial support, albeit at a much higher cost and with less flexibility.** n237 Rule 1 reflects a desire by federal and state legislative proposals to exempt exigent circumstances from restrictions on drone use. n238 Thus, where a law enforcement agency believes that a particular area, event, or situation poses a high risk of attack by terrorists; or that there is an imminent and articulable threat to a specific person's life or property, substantial legal obstacles should not hamper that agency. **Rule 1's first paragraph is a compromise measure that allows the government to promptly respond to urgent situations, while ensuring that the government, and particularly law enforcement agencies, adhere to the privacy protections of the Rule by demonstrating that probable cause of a high risk of terrorist attack existed or that an imminent danger to life or property existed at the time and general location of the drone's operation.** n239

## No Solvency – Privacy

[ ]

[ ] The CP doesn't solve the privacy harm.

**Celso, 2014**

(Joel [JD Candidate U of Baltimore Law]; DRONING ON ABOUT THE FOURTH AMENDMENT: ADOPTING A REASONABLE FOURTH AMENDMENT JURISPRUDENCE TO PREVENT UNREASONABLE SEARCHES BY UNMANNED AIRCRAFT SYSTEMS; 43 U. Balt. L. Rev. 461)

Despite a strong argument that UAS surveillance should not constitute a search as long as it shows nothing more or different than what is revealed by naked-eye observation, n240 it is not clear that courts would accept technological surveillance as an equivalent substitute for manned surveillance. n241 In fact, in holding that the use of a camera to photograph an open industrial area is not a search, the Supreme Court emphasized that commercial property does not have the same heightened expectation of privacy as the home and stated that "the photographs here are not so revealing of intimate details as to raise constitutional concerns." n242 However, **given the expectation of privacy in the home and the Supreme Court's assertion that "in the home ... all details are intimate details,"** n243 **it could be that any [\*488] UAS surveillance taken through skylights, windows, or open doors constitutes a search.** n244 Finally, and most importantly, in *Kyllo*, the Supreme Court may have opened the door to warrantless UAS surveillance of the home at some point in the not-too-distant future. n245 In holding that the use of thermal imaging constitutes a search, **the Court provided an important caveat by stating that when the technology used is available to the general public, it does not constitute a search.** n246 Therefore, it appears that the Court's bright-line rule drawn at the entrance to the home may have been written in "disappearing ink." n247 To date, UAS are not in general public use. n248 That is about to change since certain government agencies are allowed to operate them, the FAA is required to fully integrate them into U.S. airspace by 2015, and their decreasing cost makes them more widely accessible. n249 Once the use of UAS becomes commonplace, the government may be able to use them to photograph or scan the interior of a home without a warrant, regardless of whether the information revealed could not have otherwise been obtained without a physical intrusion. n250 Therefore, **under the Supreme Court's current jurisprudence, an expectation of privacy from unmanned aerial surveillance of the home could become unreasonable, removing Fourth Amendment protections from the place that has historically enjoyed the greatest protection.** n251



**No Solvency – Altitude Privacy**

[ ]

[ ] Drones can resolve details as small as six inches from 20,000 feet. The 350 foot limit in the counterplan would not solve for privacy.

**Anthony, 2013**

(“DARPA shows off 1.8-gigapixel surveillance drone, can spot a terrorist from 20,000 feet”; Extreme Tech; January 28, 2013; <http://www.extremetech.com/extreme/146909-darpa-shows-off-1-8-gigapixel-surveillance-drone-can-spot-a-terrorist-from-20000-feet>)

**DARPA and the US Army have taken the wraps off ARGUS-IS, a 1.8-gigapixel video surveillance platform that can resolve details as small as six inches from an altitude of 20,000 feet** (6km). ARGUS is by far the highest-resolution surveillance platform in the world, and probably the highest-resolution camera in the world, period. ARGUS, which would be attached to some kind of unmanned UAV (such as the Predator) and flown at an altitude of around 20,000 feet, can observe an area of 25 square kilometers (10sqmi) at any one time. **If ARGUS was hovering over New York City, it could observe half of Manhattan. Two ARGUS-equipped drones, and the US could keep an eye on the entirety of Manhattan, 24/7.** It is the definition of “observe” in this case that will blow your mind, though. With an imaging unit that totals 1.8 billion pixels, **ARGUS captures video** (12 fps) **that is detailed enough to pick out birds flying through the sky, or a lost toddler wandering around.** These 1.8 gigapixels are provided via 368 smaller sensors, which DARPA/BAE says are just 5-megapixel smartphone camera sensors. These 368 sensors are focused on the ground via four image-stabilized telescopic lenses.

## No Solvency – Persistent Surveillance Circumvention

[ ]

[ ] Definition of a persistent search is unclear, this condition could be abused.

### Olivito, 2013

(Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right to Informational Privacy Ohio State Law Journal; 2013;  
<http://moritzlaw.osu.edu/students/groups/oslj/files/2013/12/8-Olivito.pdf>)

Although the Katz reasonable expectation of privacy test remains valid, a five-Justice majority of the Court returned to a physical, trespass-based analysis to determine the existence of a search in a recent GPS tracking case.<sup>128</sup> In *United States v. Jones*, government agents attached a GPS tracking device to the defendant's vehicle while the vehicle was in a public parking lot.<sup>129</sup> The agents replaced the batteries in the device while the vehicle was parked in a different public parking lot, and the government subsequently obtained information from the device for twenty-eight days.<sup>130</sup> Although the Court unanimously agreed that the government committed a search in *Jones*, the Justices split sharply as to the underlying test. A five-Justice majority of the Court held that the government's installation of a GPS tracking device on the defendant's vehicle constituted a search in violation of the Fourth Amendment because the government's actions amounted to a trespass under common law.<sup>131</sup> In a four-vote concurrence, Justice Alito found a search through the application of the Katz reasonable expectation of privacy test.<sup>132</sup> Justice Alito suggested that society does not expect law enforcement to engage in the type of long-term surveillance entailed by a GPS monitor for most offenses.<sup>133</sup> Lastly, **Justice Sotomayor contended that the government committed a search in two ways: through a physical trespass; and through the compilation and aggregation of data collected over an extended period of time.**<sup>134</sup> Under Justice Sotomayor's mosaic approach, **although people might expect the government to observe some of their public movements, people do not expect the government to record and compile all of their movements.**<sup>135</sup> The majority opinion in *Jones* would provide almost no protection against drone surveillance, as drones can engage in surveillance without making physical contact with the subject.<sup>136</sup> Either of **the concurring opinions could safeguard against long-term drone surveillance.**<sup>137</sup> However, under either Justice Alito's or Justice Sotomayor's approach, the level of protection against long-term surveillance is far from clear. **Neither of the concurring opinions clearly demarcates when long-term surveillance would constitute a search.** Additionally, the privacy protections available under both approaches remain tied to the reasonable expectation of privacy test, such that an individual's expectation that he will not be subject to extended surveillance will become unreasonable as the government utilizes domestic drones more frequently.<sup>138</sup> The Supreme Court's Fourth Amendment jurisprudence related to aerial surveillance, advanced technology, and extended monitoring all carry the limitation that an expectation of privacy be "reasonable."<sup>139</sup> As applied by the Court, the reasonableness requirement narrows the area where an individual can expect to remain free from drone surveillance to the home, particularly, those areas of the home that are not visible to the public.<sup>140</sup>

**No Solvency – Time Limit Circumvention**

[ ]

[ ] It would be easy for law enforcement to circumvent time limits.

**Celso, 2014**

(Joel [JD Candidate U of Baltimore Law]; DRONING ON ABOUT THE FOURTH AMENDMENT: ADOPTING A REASONABLE FOURTH AMENDMENT JURISPRUDENCE TO PREVENT UNREASONABLE SEARCHES BY UNMANNED AIRCRAFT SYSTEMS; 43 U. Balt. L. Rev. 461)

A. The Inability of the Katz Test to Address UAS Surveillance While the Supreme Court's decision in Jones could be interpreted as an effort to bolster privacy protections in public places, it will not affect UAS surveillance which involves no trespass. n276 If a challenge [\*492] to prolonged UAS surveillance were to occur, the Court would have to either provide an arbitrarily determined length of time during which UAS surveillance could pass constitutional muster, n277 or hold that the Fourth Amendment is not implicated. n278 **Any time limit on warrantless UAS surveillance established by the Court would be based on an analysis of a reasonable expectation of privacy.** n279 Some members of the Court, including Justice Sotomayor n280 and Justice Alito, n281 may support time limit rules as evidenced by their concerns that long-term tracking may interfere with privacy expectations. **Even if the Court were to establish such a time limit, it would not be difficult for law enforcement to circumvent it.** n282 However, there are more fundamental problems with the Katz test than practical concerns with its implementation. n283 [\*493] The Katz reasonable expectation of privacy test has been criticized for its circular nature. n284 As long as UAS surveillance remains sufficiently rare, an individual's expectation of privacy is considered reasonable and it is protected from government intrusion by the Fourth Amendment. n285 **Once UAS flights become routine, the expectation of privacy is no longer reasonable and its protection is removed.** n286 **The result becomes a "paradoxical situation in which law enforcement overreach is legitimized once it becomes routinized."** n287 This could happen as early as 2015 when UAS can be fully integrated into U.S. airspace. n288

**No Solvency – Curtilage Laws Circumvention**

[ ]

[ ] Curtilage limits fail too – court action on warrants is key.

**Celso, 2014**

(Joel [JD Candidate U of Baltimore Law]; DRONING ON ABOUT THE FOURTH AMENDMENT: ADOPTING A REASONABLE FOURTH AMENDMENT JURISPRUDENCE TO PREVENT UNREASONABLE SEARCHES BY UNMANNED AIRCRAFT SYSTEMS; 43 U. Balt. L. Rev. 461)

**Critical to a court's analysis would be how it evaluates UAS surveillance in light of the emphasis on aerial surveillance taking place in navigable airspace and the routine nature of private and commercial flights.** n218 Because the FAA is currently establishing navigable airspace for UAS, private and commercial usage of UAS is [\*485] restricted and flights are rare. n219 In the absence of routine flights, it is reasonable to conclude that UAS surveillance of the curtilage of a home is currently a search within the meaning of the Fourth Amendment. n220 That analysis is likely to change in 2015 and beyond, when UAS are expected to become commonplace in U.S. airspace. n221 Under Supreme Court jurisprudence, it is likely a search if the government uses UAS surveillance to expose areas within the curtilage which an individual has concealed from aerial observation. n222 Because the area is not exposed, and curtilage enjoys similar protection as the interior of the home, an expectation of privacy should be recognized as reasonable. n223 For example, if an individual planted trees in his backyard to conceal his actions from aerial observation, it would likely be a search if police used laser radar affixed to a UAS frame to see through the foliage. Ultimately, **any Fourth Amendment protection of the curtilage from warrantless UAS surveillance is likely expiring.** n224 **Once UAS are generally available to the public and their flights become routine in public airspace, an expectation of privacy from UAS surveillance will no longer be reasonable.** n225 At that point the litigated issue will likely become whether the technology employed by a particular UAS is in general public use or not. n226 Many of the technologies, such as digital cameras, are already in general public use, and it may not be long before others join them. n227 **The curtilage of the home may then be vulnerable to UAS surveillance without any Fourth Amendment protections.**

## Solvency Turn – Separation of Powers

[ ] Warrants revitalize the separation of powers, which would be prevented by the CP.

### Reynolds, 2014

(Glenn Harlan [prof of law @ U of Tennessee]; NSA spying undermines separation of powers: Column; [www.usatoday.com/story/opinion/2014/02/10/nsa-spying-surveillance-congress-column/5340281/](http://www.usatoday.com/story/opinion/2014/02/10/nsa-spying-surveillance-congress-column/5340281/))

Most of the worry about the National Security Agency's bulk interception of telephone calls, e-mail and the like has centered around threats to privacy. And, in fact, the evidence suggests that if you've got a particularly steamy phone- or Skype-sex session going on, it just might wind up being shared by voyeuristic NSA analysts. But most Americans figure, probably rightly, that the NSA isn't likely to be interested in their stuff. (Anyone who hacks my e-mail is automatically punished, by having to read it.) There is, however, a class of people who can't take that disinterest for granted: members of Congress and the judiciary. What they have to say is likely to be pretty interesting to anyone with a political ax to grind. And the ability of the executive branch to snoop on the phone calls of people in the other branches isn't just a threat to privacy, but a threat to the separation of powers and the Constitution. As the Framers conceived it, our system of government is divided into three branches -- the executive, legislative and judicial -- each of which is designed to serve as a check on the others. If the president gets out of control, Congress can defund his efforts, or impeach him, and the judiciary can declare his acts unconstitutional. If Congress passes unconstitutional laws, the president can veto them, or refuse to enforce them, and the judiciary, again, can declare them invalid. If the judiciary gets carried away, the president can appoint new judges, and Congress can change the laws, or even impeach. But **if the federal government has broad domestic-spying powers, and if those are controlled by the executive branch without significant oversight, then the president has the power to snoop on political enemies, getting an advantage in countering their plans, and gathering material that can be used to blackmail or destroy them.** With such power in the executive, the traditional role of the other branches as checks would be seriously undermined, and our system of government would veer toward what James Madison in The Federalist No. 47 called "the very definition of tyranny," that is, "the accumulation of all powers, legislative, executive, and judiciary, in the same hands." That such widespread spying power exists, of course, doesn't prove that it has actually been abused. But the temptation to make use of such a power for self-serving political ends is likely to be very great. And, given the secrecy surrounding such programs, outsiders might never know. In fact, given the compartmentalization that goes on in the intelligence world, almost everyone at the NSA might be acting properly, completely unaware that one small section is devoted to gather political intelligence. We can hope, of course, that such abuses would leak out, but they might not. **Rather than counting on leakers to protect us, we need strong structural controls that don't depend on people being heroically honest or unusually immune to political temptation,** two characteristics not in oversupply among our political class. **That means that the government shouldn't be able to spy on Americans without a warrant — a warrant that comes from a different branch of government, and requires probable cause.** The government should also have to keep a clear record of who was spied on, and why, and of exactly who had access to the information once it was gathered. We need the kind of extensive audit trails for access to information that, as the Edward Snowden experience clearly illustrates, don't currently exist.

**Solvency Turn – Separation of Powers**

[ ]

**[ ] Strong separation of powers are essential for US global leadership.****Ikenberry, 2001**

(Professor at Georgetown University – G. John, National Interest, Spring 2001, Lexis)

First, America's mature political institutions organized around the rule of law have made it a relatively predictable and cooperative hegemon. The pluralistic and regularized way in which U.S. foreign and security policy is made reduces surprises and allows other states to build long-term, mutually beneficial relations. The **governmental separation of powers creates a shared decision-making system that opens up the process and reduces the ability of any one leader to make abrupt or aggressive moves toward other states.** An active press and competitive party system also provide a service to outside states by generating information about U.S. policy and determining its seriousness of purpose. The messiness of a democracy can, indeed, frustrate American diplomats and confuse foreign observers. But over the long term, **democratic institutions produce more consistent and credible policies - policies that do not reflect the capricious and idiosyncratic whims of an autocrat.** Think of the United States as a giant corporation that seeks foreign investors. It is more likely to attract investors if it can demonstrate that it operates according to accepted accounting and fiduciary principles. **The rule of law and the institutions of policymaking in a democracy are the political equivalent of corporate transparency and accountability.** Sharp shifts in policy must ultimately be vetted within the policy process and pass muster by an array of investigatory and decision-making bodies. **Because it is a constitutional, rule-based democracy, outside states are more willing to work with the United States-or, to return to the corporate metaphor, to invest in ongoing partnerships.**

## Solvency Turn – Racism

[ ]

[ ] The plan reverses racist trends, while the counterplan fails to do so.

**Bernd, 2015**

(Candice; Proposed Rules Regulating Domestic Drone Use Lack Police Warrant Requirement; Feb 24; [www.truth-out.org/news/item/29250-proposed-rules-regulating-domestic-drone-use-lack-police-warrant-requirement](http://www.truth-out.org/news/item/29250-proposed-rules-regulating-domestic-drone-use-lack-police-warrant-requirement))

"You're not just talking about the physical border, you're talking about an area that encompasses many major cities that have large minority populations, and the idea that these drones can be flown with little or no privacy protections really mean that, people, just by virtue of living in that region are somehow accepting that they have a right to less privacy," she said. **African-American communities could well feel the disproportionate impacts of the integrated use of domestic drones and other surveillance in the coming years.** as technologies such as StingRay are already being used mostly in the ongoing war on drugs to track those suspected of selling and buying drugs. **The drug war has long negatively impacted communities of color, based on racialized drug policies and racial discrimination by law enforcement;** two-thirds of all those convicted of drug crimes are people of color, despite similar rates of drug use among whites and people of color. **These already-existing racial disparities in intrusive policing tactics and deployment of surveillance technologies are one of the primary reasons civil liberties experts are saying the government often gets it backward when thinking about privacy issues;** deploying intrusive technologies first, and coming up with privacy policies governing their use afterward (when they may already be violating many people's civil rights). "What we see with StingRays is the same phenomenon that we're seeing with [UAS], where federal agencies are using them," Guliani said. "State and local agencies are using them. There's federal dollars that are going to buy them, and we're kind of having the privacy debate after the fact with very little information."

## Solvency Turn – Dismantling Racism

[ ]

[ ] The plan requires warrant checks that help dismantle racism, no judicial oversight in counterplan requires law enforcement implementation and can lead to cultural racism.

**Barndt, 1991**

(Joseph R. Barndt co-director of Ministry Working to Dismantle Racism "Dismantling Racism" p. 155)

**To study racism is to study walls.** We have looked at barriers and fences, restraints and limitations, ghettos and prisons. **The prison of racism confines us all, people of color and white people alike. It shackles the victimizer as well as the victim.** The walls forcibly keep people of color and white people separate from each other; in our separate prisons we are all prevented from achieving the human potential God intends for us. **The limitations imposed on people of color** by poverty, subservience, and powerlessness **are cruel, inhuman, and unjust;** the effects of uncontrolled power, privilege, and greed, which are the marks of our white prison, will inevitably destroy us as well. **But we have also seen that the walls of racism can be dismantled. We are not condemned to an inexorable fate, but are offered the vision and the possibility of freedom. Brick by brick, stone by stone, the prison of individual, institutional, and cultural racism can be destroyed.** You and I are urgently called to join the efforts of those who know it is time to tear down, once and for all, the walls of racism. The danger point of self-destruction seems to be drawing even more near. The results of centuries of national and worldwide conquest and colonialism, of military buildups and violent aggression, of overconsumption and environmental destruction may be reaching a point of no return. A small and predominantly white minority of the global population derives its power and privilege from the sufferings of vast majority of peoples of all color. For the sake of the world and ourselves, we dare not allow it to continue.



# **Drug Surveillance Affirmative**

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## Summary

This Affirmative case is a little bit different from other cases. Some key distinctions:

1. It does not advocate that the judge takes the stance of role-playing as the federal government in her decision-making. *Instead, it calls on the judge, as a private citizen, to take a stance on whether the federal government should or should not do something.*
2. It does not focus on debating the possible effects the world experiences after the plan passes. *Instead, it focuses on the assumptions, justifications, and motivations behind how we as individuals make decisions.*
3. It does not call upon traditional impacts, such as economics, war, or the environment. *Instead, it focuses on how the assumptions, justifications, and motivations lead to problems not only in the outside world, but also in the debate round.*

While these differences could be daunting for a new Varsity debater to experience, beyond these differences, this case largely is the same as other cases. It still identifies a problem, it still defines the significance of these problems, it still presents an advocacy that one should take, and it still explains why that advocacy can solve the problem.

This case starts out by explaining how drug-related incarceration is actually a form of racist social control. There are many examples that we can draw from to support this claim, such as the disparity in arrest rates between white drug users and minority drug users, or the fact that one form of cocaine used predominantly in White communities is punished less severely than another form of cocaine used predominantly in minority communities. These systemic issues have led to the mass incarceration of minorities, predominantly Black and Latino men, in the United States.

The Affirmative argues that this strategy of mass incarceration is a form of surveillance against Black citizens due to fears of the Black Body. The Black Body is the idealized ontological condition of being Black as seen through the perspective of those in power. Simply put, it is what people in power (White or otherwise) think about when they think of someone who identifies as Black. This idea has some very interesting philosophical roots that require additional exploration, but in the context of this case, it is worth mentioning that a strong argument can be made that this Black Body, this identity, has been purposefully ascribed with characteristics of criminality and immorality by those in power. The Affirmative would argue that this has been done as a form of social control, which is why the mass incarceration of Black and Latino people is a form of mass surveillance.

A 'normal' case would end its analysis here and call for a specific policy that reforms the system. However, this is where this case deviates from 'normal'. Instead of just calling for reform, this case claims that reforms are a poisoned fruit, designed to placate the oppressed. In fact, they continue their analysis by saying that these liberal tools, with their emphasis on fairness and justice, don't actually prevent oppression, but are used to actively oppress other peoples. Since those in power have the ability to determine what is just and fair, those in power also have the ability to use those very tools to oppress. Those in power can shape those tools to fit their own ideology of White Supremacy.

Instead, the Affirmative claims that before we consider reforms, we have to individually challenge the ideology that led to that oppression in the first place. The Affirmative calls upon the judge to reject notions of the Black Body as criminal or immoral and to investigate the structural reasons behind mass incarceration. In that manner, the ballot doesn't signify the judge role-playing as the federal government making a decision, but rather the judge as a private citizen exclaiming that the federal government should end the mass incarceration of drug-related offenses as a form of surveillance on the Black Body.

Finally, the Affirmative case presents significant reasons why holding such an ideology is harmful. Instead of arguing that the effects of not passing the plan are genocide, the case is structured around the idea that the ideology itself is the root reasoning that leads to genocide, and deserves to be rejected, regardless of whether genocide will happen or not.

## Glossary

**Black Body** – A reference to the representation of Blacks as a commodified object.

**Biopolitics** – a concept in social theory used to examine the strategies and mechanisms through which human life processes are managed under regimes of authority over knowledge, power, and the processes of subjection.

**Decarceration** – The process of removing people from places of imprisonment such as prison or decreasing the rate of imprisonment. It is a term that represents the literal opposite of incarceration.

**Criminalization** – the process of turning an activity or act into a criminal offense legally, socially, or culturally.

**Hegemony** – leadership or dominance by one country over the international system.

**Incarceration** – The state of being confined in prison or detained.

**Institutional racism** – any system of inequality based on race in institutions such as public government, private business, and universities.

**Neoliberalism** – An approach to economics and social studies in which control of economic factors is shifted from the public sector to the private sector.

**Pedagogy** – the method and practice of teaching, especially as an academic subject or theoretical concept.

**Prison Industrial Complex** – a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.

**Reformism** – the assumption that gradual changes through and within existing institutions can ultimately change a society's fundamental economic system and political structures.

**Utilitarianism** – A philosophical view that argues that actions that are ethically right or useful for the benefit of the majority are best. The greatest number should be the guiding principle of conduct.

**Whiteness** – a social construction that provides material and symbolic privileges to whites, those passing as white, and sometimes honorary whites.

**White supremacy** – the belief that white people are superior to those of all other races, especially the black race, and should therefore dominate society.

## 1AC (1/9)

## Contention One is The War on Drugs:

1. Drug-related mass incarceration is a form of racist social control. Prison expansion maintains racial hierarchies, prevents black self-determination and destroys communities of color.

**Alexander, 2006**

(2006, Michelle Alexander is an Associate Professor of Law and Director of the Civil Rights Clinic at Stanford Law School, "Federalism, Race, and Criminal Justice", Chapter pp. 219-228)

Most Americans today can look back and see slavery and Jim Crow laws for what they were- extraordinary and immoral forms of social control used to oppress black and brown people. However, few believe that a similar form of social control exists today. What I have come to recognize is that, contrary to popular belief, a new form of social control does exist, as disastrous and morally indefensible as Jim Crow-the mass incarceration of people of color. There is an important story to be told that helps explain the role of the criminal justice system in resurrecting, in a new guise, the same policies of racial segregation, political disenfranchisement, and social stigmatization that have long oppressed and controlled all people of color, particularly African Americans. The story begins with federalism and its evolving methods of maintaining white supremacy. A recent twist has been added; one that the civil rights community has failed to explain to those who do not read reports issued by the Bureau of Justice Statistics or Supreme Court decisions. In 1980, 330,000 people were incarcerated in federal and state prisons<sup>7</sup> - the vast majority of whom were people of color. <sup>8</sup> Since then, the number has more than quadrupled to over 1.3 million.<sup>9</sup> When prison and jail populations are combined, the number jumps to over two million. <sup>10</sup> Although African American men comprise less than seven percent of the population, they comprise half of the prison and jail population.<sup>11</sup> Today, one out of three African American men is either in prison, on probation, or on parole.<sup>12</sup> Latinos are not far behind. They are the fastest growing racial group being imprisoned, comprising 10.9 percent of all state and federal inmates in 1985, and nineteen percent in 2003.<sup>13</sup> We know how this happened. In 1980, the Reagan administration ushered in the War on Drugs, another major backlash against civil rights. Although we typically think of the Reagan era backlash as attacking affirmative action and civil rights laws, the War on Drugs is perhaps the most sweeping and damaging manifestation of deliberate indifference-or downright hostility-to communities of color.

## 1AC (2/9)

**2. The War on Drugs is simply the latest structure of Black surveillance motivated by fear of the Black Body. This surveillance comes in multiple forms of violence to Black communities.**

**Kundnani and Kumar**, Arun Kundnani teaches at New York University and Deepa Kumar is an associate professor of Media Studies and Middle East Studies at Rutgers University, **2015** (“Race, surveillance, and empire” in International Socialist Review <http://isreview.org/issue/96/race-surveillance-and-empire>)

**The War on Drugs**—launched by President Reagan in 1982—**dramatically accelerated the process of racial securitization**. Michelle Alexander notes that At the time he declared this new war, less than 2 percent of the American public viewed drugs as the most important issue facing the nation. This fact was no deterrent to Reagan, for **the drug war** from the outset **had little to do with public concern about drugs and much to do with public concern about race**. By waging a war on drug users and dealers, Reagan made good on his promise to crack down on the racially defined “others”—the undeserving. **Operation Hammer**, carried out by the Los Angeles Police Department in 1988, **illustrates how racialized surveillance was central to the War on Drugs. It involved hundreds of officers in combat gear sweeping through the South Central area of the city** over a period of several weeks, **making 1,453 arrests, mostly for teenage curfew violations, disorderly conduct, and minor traffic offenses**. Ninety percent were released without charge but the **thousands of young Black people who were stopped and processed in mobile booking centers had their names entered onto the “gang register” database**, which soon contained the details of half of the Black youths of Los Angeles. Entry to the database rested on such supposed indicators of gang membership as high-five handshakes and wearing red shoelaces. Officials compared the Black gangs they were supposedly targeting to the National Liberation Front in Vietnam and the “murderous militias of Beirut,” signaling the blurring of boundaries between civilian policing and military force, and between domestic racism and overseas imperialism. **In the twelve years leading up to 1993, the rate of incarceration of Black Americans tripled**,<sup>54</sup> **establishing the system of mass incarceration** that Michelle Alexander refers to as the new Jim Crow.<sup>55</sup> **And yet those in prison were only a quarter of those subject to supervision by the criminal justice system, with its attendant mechanisms of routine surveillance and “intermediate sanctions,”** such as house arrests, boot camps, intensive supervision, day reporting, community service, and electronic tagging. Criminal records databases, which are easily accessible to potential employers, now hold files on around one-third of the adult male population.<sup>56</sup> Alice Goffman has written of the ways that **mass incarceration is not just a matter of imprisonment itself but also the systems of policing and surveillance that track young Black men and label them as would-be criminals before and after their time in prison. From stops on the street to probation meetings, these systems**, she says, **have transformed poor Black neighborhoods into communities of suspects and fugitives.**

## 1AC (3/9)

3. This federal surveillance program extends towards other communities of color. It reaches every aspect of life in communities of color in an attempt to maintain the racial hierarchy.

**Adams-Fuller, 2009**

(Terri Adams-Fuller is a Professor at Howard University, "Racial Profiling" in Institute for Public Safety & Justice: Fact Sheet, <http://www.ipsj.org/publications/RacialProfiling.pdf>)

**In recent years racial profiling on American roadways** - commonly referred to as DWB (driving while black) - **has come to the forefront of popular discourse. The phenomenon of pulling over persons of color on spurious traffic violations based on preconceived conceptions is a common travel experience for many people of color. For years African American and Latino/Hispanic Americans have known that their communities have been the recipients of an inordinate amount of police surveillance.** The general American public has just recently become aware of the magnitude of this problem during the latter end of the 1990s, as the media began to increase its coverage of this phenomenon. Although communities of color have always suffered more police surveillance than other communities, this scrutiny has elevated during certain periods in history, often dictated by politics. **The African American and Hispanic/Latino communities increasingly became the subjects of police surveillance following President Reagan's declaration of the nations "war on drugs" in 1982. The increased frenzy that surrounded the "war on drugs" prompted many law enforcement agencies around the country to intensify their inspection of supposedly "suspicious" persons. These increased efforts have disproportionately been targeted towards communities of color** (Walker, et al. 1996). **Across the country profiles are utilized by many law enforcement agents, which are often largely based on racial or ethnic characteristics.** According to a 1999 American Civil Liberties Union (ACLU) report, **in 1986 the Drug Enforcement Agency (DEA) launched "Operation Pipeline" a drug prohibition program that trained over 27,000 police officers from 48 participating states to "use pretext stops in order to find drugs in vehicles."** It has been reported that **some of the materials used by the DEA in Operation Pipeline "implicitly if not explicitly" encourage police to target minority motorists** (Harris, 1999). Thus the nations highest drug enforcement agency has lent the appearance of legitimacy to the use of racial profiles.



## 1AC (4/9)

**4. Criminal policy reforms justified on the basis of fairness and justice have merely modernized racial inequality—we need to question the ideology of incarceration.**

**Murakawa, Associate Professor, 2014**

(2014, Naomi Murakawa is an Associate Professor Center for African American Studies, “First Civil Right: How Liberals Built Prison America.” ProQuest ebrary)

When Clinton New Democrats enacted legislation for community policing and death penalty expansion, their “rightward” punitive policies reposed on justifications from liberalisms past. **The rights-laden liberal system secured the integrity of brutal, even lethal state violence, and the discourse of a community engagement enabled more order-maintenance policing.** Perhaps some liberal lawmakers hoped to cement racial bias out of the machine. Perhaps others hoped to harden machinery to contain racial threat. **In the strategic ambiguities of policymaking, it is difficult to distinguish policies for racial fairness from policies for racial discipline.** I have argued that, in the logic of liberal law-and-order, **this is a distinction without a difference.** If legitimate punishment means that the state surveils, confines, and kills with the right techniques and protocols, then **liberal law-and-order specified and refined quality administration with the outcome of legitimating the carceral state.** In the end, **new administrative fixes made violence appear less emotional and more rights-laden.** In the end, **the Big House may serve racial conservatism, but it was built on the rock of racial liberalism. Liberal law-and-order promised to deliver freedom from racial violence by way of the civil rights carceral state,** with professionalized police and prison guards less likely to provoke Watts and Attica. Despite all their differences, Truman’s first essential right of 1947, Johnson’s police professionalization, Kennedy’s sentencing reform, and even Biden’s death penalty proposals landed on a shared metric: **criminal justice was racially fair to the extent that it ushered each individual through an ordered, rights-laden machine. Routinized administration of race-neutral laws would mean that racially disparate outcomes would be seen, if seen at all, as individually particularized and thereby not racially motivated. Expunged from institutions and abstracted from the material world, race did its damage in psychic territory.** This summons Gunnar Myrdal’s heavenly spirit of the American Creed, those virtuous commitments to liberty and democratic egalitarianism that float above the hardware of the U.S. racial state. As original sin, white prejudice left its mark in the form of black criminal propensities, making African Americans the embodiment of “a moral lag in the development of the nation.”<sup>6</sup> In this sense, **liberal law-and-order was especially powerful in entrenching notions of black criminality.** I say especially **because liberal law-and-order maintained a politics of pity that, through references to African American family deficits and at-risk youth, softened the hard edges of conservatism and carceral neoliberalism.**

## 1AC (5/9)

5. This is a continuous extermination of minority populations that must be stopped. As Americans, we must speak out in public spaces about the injustice of laws

**Brown Watch, 2012**

(Brown Watch, News for People of Color, "War on Drugs is a War on Black & Brown Men - 75 Years of Racial Control: Happy Birthday Marijuana Prohibition", October 2, [www.brown-watch.com/genocide-watch/2012/10/2/war-on-drugs-is-a-war-on-black-brown-men-75-years-of-racial.html](http://www.brown-watch.com/genocide-watch/2012/10/2/war-on-drugs-is-a-war-on-black-brown-men-75-years-of-racial.html))

**From 2002 to 2011, African American and Hispanic residents made up close to 90% of people stopped.** This is not limited to New York. In California, African-Americans are 4 times more likely to be arrested for marijuana, 12 times more likely to go to prison with a felony marijuana charge, and 3 times more likely to go to prison with a marijuana possession charge. **The strategy of using marijuana laws to stop, detain and imprison poor and minority populations must stop NOW.** In the past 75 years **we have seen mounting evidence of the benign nature of the marijuana plant, and its tremendous potential for medical development. But the rampant misinformation about the effects of marijuana USE is dwarfed by the lifetime of suffering that a marijuana CONVICTION can bring.** In 2010, there were 853,839 marijuana arrests in the U.S., 750,591 of those were for possession. A drug conviction in America is the gift that keeps on giving. Affected individuals must face a lifetime of stigma that can prevent employment, home ownership, education, voting and the ability to be a parent. The issue of mass incarceration and the War on Drugs is featured in the new documentary, The House I Live In. In the film, Richard L. Miller, author of Drug Warriors and Their Prey, From Police Power to Police State, presents a very sinister take on the method behind the Drug War madness. Miller suggests that **drug laws, such as those for marijuana are part of a process of annihilation aimed at poor and minority populations.** Miller poses that **drug laws are designed to identify, ostracize, confiscate, concentrate, and annihilate these populations by assigning the label of drug user, criminal, or addict, seizing property, taking away freedom and institutionalizing entire communities in our ever growing prison system. We can stop this from happening.** Marijuana was deemed illegal without acknowledging science or the will of the people. **75 years later, 50% of the population supports marijuana legalization, and families are still being torn apart and lives destroyed** over the criminal sanctions associated with its use. **The most vulnerable members of our society are also the targets of a prison industrial complex out of control** and getting bigger every day. **Someone is arrested for marijuana in the U.S. every 38 seconds, we have no time to waste, tax and regulate now.** Oregon, Colorado and Washington are all considering a more sensible and humane approach to marijuana as all three have tax and regulate initiatives on their ballots this November.

## 1AC (6/9)

**6. This outweighs—institutional structures of domination create everyday holocausts—you should reject singularly-focused impacts in favor of working against the ongoing extinctions of people of color.**

**Omolade, 1989**

(1989, Barbara Omolade is a historian of black women for the past twenty years and an organizer in both the women's and civil rights/black power movements, "We Speak for the Planet" pp. 172-176)

The Achilles heel of the organized peace movement in this country has always been its whiteness. In this multi-racial and racist society, no allwhite movement can have the strength to bring about basic changes. **It is axiomatic that basic changes do not occur in any society unless the people who are oppressed move to make them occur.** In our society it is people of color who are the most oppressed. Indeed our entire history teaches us that when people of color have organized and struggled—most especially, because of their particular history, Black people—have moved in a more humane direction as a society, toward a better life for all people.<sup>1</sup> Western man's whiteness, imagination, enlightened science, and movements toward peace have developed from a culture and history mobilized against women of color. **The political advancements of white men have grown directly from the devastation and holocaust of people of color and our lands.** This technological and material progress has been in direct proportion to the undevelopment of women of color. Yet **the day-to-day survival, political struggles, and rising up** of women of color, especially black women in the United States, **reveal both complex resistance to holocaust and undevelopment and often conflicted responses to the military and war.** The Holocausts Women of color are survivors of and remain **casualties of holocausts, and** we are **direct victims of war**—that is, of open armed conflict between countries or between factions within the same country. But women of color **were not soldiers,** nor did we trade animal pelts or slaves to the white man for guns, nor did we sell or lease our lands to the white man for wealth. **Most men and women of color resisted and fought back, were slaughtered, enslaved, and force marched into plantation labor camps to serve the white masters of war and to build their empires and war machines. People of color were and are victims of holocausts—that is, of great and widespread destruction, usually by fire.** The world as we knew and created it was destroyed in a continual scorched earth policy of the white man. **The experience of Jews and other Europeans under the Nazis can teach us the value of understanding the totality of destructive intent,** the extensiveness of torture, and the demonical apparatus of war aimed at the human spirit. **A Jewish father pushed his daughter from the lines of certain death at Auschwitz and said, "You will be a remembrance-You tell the story. You survive." She lived. He died.** Many have criticized the Jews for forcing non-Jews to remember the 6 million Jews who died under the Nazis and for etching the names Auschwitz and Buchenwald, Terezin and Warsaw in our minds. Yet as women of color, **we, too, are "remembrances" of all the holocausts against the people of the world. We must remember the** names of concentration camps such as Jesus, Justice, Brotherhood, and Integrity, **ships that carried millions of African men, women, and children chained and brutalized across the ocean to the "New World."**

**1AC (7/9)**

**Thus, my partner and I advocate that the United States federal government should end the war on drugs by dismantling its domestic surveillance operations.**

**We reserve cross-examination for clarification.**

## 1AC (8/9)

## Contention Two is Solvency:

1. Our advocacy is the only way to bring an end to the system of institutional racism. The reason reforms have failed is because they haven't challenged the underlying racial ideology.

**Alexander 10, Associate Professor of Law, 2010**

(Michelle Alexander, is an associate professor of law at Ohio State University, a civil rights advocate and a writer. "New Jim Crow : Mass Incarceration in the Age of Colorblindness" pp. 221-224)

King certainly appreciated the contributions of civil rights lawyers (he relied on them to get him out of jail), but he opposed the tendency of civil rights lawyers to identify a handful of individuals who could make great plaintiffs in a court of law, then file isolated cases. He believed what was necessary was to mobilize thousands to make their case in the court of public opinion. In his view, **it was a flawed public consensus— not merely flawed policy— that was at the root of racial oppression.** Today, no less than fifty years ago, a flawed public consensus lies at the core of the prevailing caste system. **When people think about crime, especially drug crime, they do not think about suburban housewives violating laws regulating prescription drugs or white frat boys using ecstasy. Drug crime in this country is understood to be black and brown, and it is because drug crime is racially defined in the public consciousness that the electorate has not cared much what happens to drug criminals— at least not the way they would have cared if the criminals were understood to be white. It is this failure to care, really care across color lines, that lies at the core of this system of control and every racial caste system that has existed in the United States or anywhere else in the world. Those who believe that advocacy challenging mass incarceration can be successful without overturning the public consensus that gave rise to it are engaging in fanciful thinking, a form of denial.** Isolated victories can be won— even a string of victories— but **in the absence of a fundamental shift in public consciousness, the system as a whole will remain intact. To the extent that major changes are achieved without a complete shift, the system will rebound. The caste system will reemerge in a new form, just as convict leasing replaced slavery, or it will be reborn, just as mass incarceration replaced Jim Crow.** Sociologists Michael Omi and Howard Winant make a similar point in their book Racial Formation in the United States. They **attribute the cyclical nature of racial progress to the “unstable equilibrium” that characterizes the United States’ racial order. Under “normal” conditions, they argue, state institutions are able to normalize the organization and enforcement of the prevailing racial order, and the system functions relatively automatically. Challenges to the racial order during these periods are easily marginalized or suppressed, and the prevailing system of racial meanings, identity, and ideology seems “natural.”** These conditions clearly prevailed during slavery and Jim Crow.

## 1AC (9/9)

2. We are a strategy of decarceration. This method enables us to take advantage of current conditions without sacrificing political vision.

**Berger, 2013**

(2013, Dan Berger is an Assistant Professor at the University of Washington Bothell, "Social Movements and Mass Incarceration: What is To Be Done?", Souls: A Critical Journal of Black Politics, Culture, and Society, Volume 15, Issue 1-2, 2013, pages 3-18)

**The strategy of decarceration combines radical critique, direct action, and tangible goals** for reducing the reach of the carceral state. **It is a coalitional strategy that works to shrink the prison system through a combination of pragmatic demands and far-reaching, open-ended critique. It is reform in pursuit of abolition.** Indeed, **decarceration allows a strategic launch pad for the politics of abolition,** providing what has been an exciting but abstract framework with a course of action. **Rather than juxtapose pragmatism and radicalism,** as has so often happened in the realm of radical activism, **the strategy of decarceration seeks to hold them in creative tension. It is a strategy in the best tradition of the black freedom struggle. It is a strategy that seeks to take advantage of political conditions without sacrificing its political vision.** Today **we are in a moment where it is possible,** in the words of an organizer whose work successfully closed Illinois's infamous supermax prison Tamms in January 2013, **to confront prisons as both an economic and a moral necessity.** 33 Prisons bring together diverse forms of oppression across race, class, gender, sexuality, citizenship status, HIV status and beyond. **The movements against them, therefore, will need to bring together diverse communities of resistance.** They will need to unite people across a range of issues, identities, and sectors. That is the coalition underlying groups such as Californians United for a Responsible Budget (CURB), the Nation Inside initiative, and Decarcerate PA. **The fight against prisons is both a targeted campaign and a broad-based struggle for social justice.** These movements must include the leadership by those directly affected while at the same work to understand that prisons affect us all. This message is the legacy of prison rebellions from Attica in 1971 to Pelican Bay in 2012. The challenge is to maintain the aspirational elements of that message while at the same time translating it into a political program. **Decarceration, therefore, works not only to shrink the prison system but to expand community cohesion and maximize what can only be called freedom.** Political repression and mass incarceration are joined at the hip. The struggles against austerity, carcerality, and social oppression, the struggles for restorative and transformative justice, for grassroots empowerment and social justice must be equally interconnected. For **it is only when the movement against prisons is as interwoven in the social fabric of popular resistance as the expansion of prisons has been stitched into the wider framework of society that we might hope to supplant the carceral state.**

## AT: No Harms – States Changing Drug Policy

[ ]

[ ] Drug reform has been a myth since Nixon—they protect it for profits.

**Whitaker, 2013**

(Morgan Whitaker is from MSNBC, September 24, “How profits help drive the war on drugs”  
<http://www.msnbc.com/politicsnation/how-profits-help-drive-the-war-drugs>)

So why pour money into a failed system? One factor might just be profit. **During the Reagan administration, the government started incentivizing drug arrests by handing out grants to police departments fighting drug crimes.** An arrest in a state like Wisconsin could bank a city or county an extra \$153. **In 34 years in the Seattle Police Department, Norm Stamper learned about those incentives first hand, and he believes they are “corrupting the system.” “What we have seen with this drug war are insane numbers of Americans being arrested for nonviolent, very low level drug offenses, in the tens of millions of numbers, and what do we have to show for it?”** he asked on Tuesday’s PoliticsNation. He said **drugs are more readily available than when Nixon “first declared war against them.” “Make no mistake, he was really declaring war against his fellow Americans.** He was declaring war particularly against young people, poor people, and people of color.” Stamper takes issue with the prison industry, which has seen major growth due to low level drug offenders, compared to relatively little growth from more violent offenders. **“The prison industrial complex, the law enforcement, drug enforcement industry, the cartels themselves, heavy street traffickers, are deeply invested in the status quo,”** Stamper said. **“They are very much invested in making sure, by protecting and expanding their drug markets, often times through violent means, that they will continue to reap the enormous, untaxed, obscene profits associated with illicit commerce.”**

## AT: No Harms – Profiling Ending Now

[ ]

[ ] No major reforms—The DEA sees profiling as effective.

**Hicks, 2015**

(Josh Hicks reports for the Washington Post, January 30, “Report criticizes DEA’s poor monitoring for racial bias in ‘cold consent’ stops”, <http://www.washingtonpost.com/blogs/federal-eye/wp/2015/01/30/dea-version-of-stop-and-frisk-is-barely-monitored-for-racial-bias/>)

The review also found **the DEA provides little instruction or oversight for the stops. For instance, only 29 percent of its task force members and 47 percent of supervisors had attended training, and most agents were unaware of reporting requirements** that could help determine whether officers use the method improperly. Nusrat Choudhury, an attorney with the American Civil Liberties Union’s racial-justice program, said the cold-consent program could easily lead to problems. **“This type of highly discretionary law-enforcement technique provides an opening for implicit biases to influence the officers’ decisions and actions,”** she said. “All people are vulnerable to biases.” The IG launched its probe after the Pentagon attorney filed a complaint, saying she faced humiliating and aggressive questioning. She was not identified in Thursday’s report. **A DEA spokesman said** the agency concurs with the IG reforms, but the agency also said in a letter that cold-consent encounters are one of many tools it uses to disrupt drug-trafficking networks. It added that **it can’t legally force an individual to provide demographic information without an arrest. “It would not be in DEA’s best interest to use its best guesstimate in determining the race during an encounter, which may not result in an accurate statistic,”** the letter said.



## AT: No Harms – Marijuana Legalization Soon

[ ]

[ ] Criminalization will only get worse with marijuana legalization.

**Burns, 2014**

(Rebecca, Associate Editor at In These Times, “The Unbearable Whiteness of Marijuana Legalization”, [SG])

One worry has been that the high price of legalized marijuana will encourage a black market and that arrests for illegal distribution could actually increase. Mariame Kaba: I'm very concerned about how this is going to play out on the ground. **Young people who are selling drugs because they have no other job opportunities are definitively not going to be able to participate in the formal economy through the dispensaries.** Is law enforcement going to go after those young people 20 times harder now? AW: Yes, I am concerned that distribution charges will increase. **Whenever you make change, especially against law enforcement's status quo, it often finds a way to circumvent that change and maintain its budget.** But we haven't seen anything that will lead us to believe that is taking place right now. And you have to realize that these new marijuana laws are part of a much broader reform movement: Colorado has also been revising its criminal justice laws. The first thing we did once Amendment 64 passed [in Colorado] was to lower criminal penalties for those [between the ages of] 18 and 20 possessing marijuana. So we are already working on preempting any type of net-widening. ITT: What impact will marijuana legalization have on the War on Drugs as a whole? David J. Leonard: **Any changes in the War on Drugs will require continued organizing and agitation, because history has shown that one step forward has also resulted in two steps back [for] communities of color.** New York decriminalized marijuana in 1977. That clearly did not lead to the end of the War on Drugs in New York, or lessen its effects on communities of color. Instead, **the way the law was written provided the foundation for stop-and-frisk, because the law made it a misdemeanor for marijuana to be in public view, which basically fostered incentives to stop blacks and Latinos and tell them to empty their pockets.** So I have a number of concerns about the impact of these reforms on the War on Drugs. To give just one other example: Does decriminalization apply to those who are on probation and being drug-tested? MK: Another concern is whether, **as the prices of marijuana start climbing [because of legalization] and [poor] people turn to using other kinds of drugs, those drugs then get painted as the worst possible drugs on the planet. The people who are doing the “worst” drugs somehow always happen to be the most marginalized people within our culture. That's why it's so important that we focus on uprooting the whole architecture of the War on Drugs.** If we're not talking about the root issues of racism and classism, there are bound to be unintended consequences.

## AT: Utilitarianism Outweighs

[ ]

[ ] Challenging institutional racism is a prior ethical question— it makes violence structurally inevitable and foundationally negates morality making their utilitarianism arguments incoherent.

**Memmi, 2000**

(Albert Memmi, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165)

**The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved.** Yet, for this very reason, **it is a struggle to be undertaken without surcease and without concessions.** One cannot be indulgent toward racism; **one must not even let the monster in the house, especially not in a mask.** To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. **To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** It is to accept the persistence of the dark history in which we still largely live. **It is to agree that the outsider will always be a possible victim** (and which man is not himself an outsider relative to someone else?). **Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity.** In that sense, we cannot fail to rise to the racist challenge. However, **it remains true that one's moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences.** Let us say, broadly speaking, that **the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation.** This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination.** From an ethical point of view, if one can deploy a little religious language, **racism is 'the truly capital sin. It is not an accident that almost all of humanity's spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments.** Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because **injustice engenders violence and death.** Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect.

**AT: No Solvency – Non-Drug Surveillance**

[ ]

[ ] **Federal surveillance is overwhelmingly targeted at drug policing – It's the cornerstone of the war on drugs. Eighty-eight percent of wiretaps are from the war on drugs.**

**Greenberg 2015**

(Andy Greenberg is a senior writer for WIRED, April 10, 2015, "Want to See Domestic Spying's Future? Follow the Drug War" <http://www.wired.com/2015/04/want-see-domestic-spyings-future-follow-drug-war/>)

The DEA's newly revealed bulk collection of billions of American phone records on calls to 116 countries preceded the NSA's similar program by years and may have even helped to inspire it, as reported in USA Today's story Wednesday. And the program serves as a reminder that **most of the legal battles between government surveillance efforts and the Fourth Amendment's privacy protections over the last decades have played out first on the front lines of America's War on Drugs. Every surveillance test case in recent history, from beepers to cell phones to GPS tracking to drones—and now the feds' attempts to puncture the bubble of cryptographic anonymity around Dark Web sites like the Silk Road—began with a narcotics investigation.** "If you asked me last week who was doing this [kind of mass surveillance] other than the NSA, the DEA would be my first guess," says Chris Soghoian, the lead technologist with the American Civil Liberties Union. **"The War on Drugs and the surveillance state are joined at the hip." It's no secret that drug cases overwhelmingly dominate American law enforcement's use of surveillance techniques.** The Department of Justice annually reports to the judiciary how many wiretaps it seeks warrants for, broken down by the type of crime being investigated. **In 2013, the last such report, a staggering 88 percent of the 3,576 reported wiretaps were for narcotics. That's compared to just 132 wiretaps for homicide and assault combined, for instance, and a mere eight for corruption cases.**

## AT: Solvency Turn – Law will Co-opt

[ ] Legal change has resulted in racial advancement and more is still possible.

## Kennedy, 2012

(Randall, Harvard Law Professor, *Race, Crime, and the Law*, Knopf Doubleday Publishing Group, pp. 388-389)

True, it is sometimes genuinely difficult to determine an appropriate remedial response. The proper way to address that difficulty, however, is to acknowledge and grapple with it, not bury it beneath unbelievable assertions that, in fact, no real problem exists. Whitewashing racial wrongs (especially while simultaneously proclaiming that courts are doing everything reasonably possible to combat racially invidious government action) corrupts officials and jades onlookers, nourishing simplistic, **despairing, and defeatist critiques of the law that are profoundly destructive**. The second impression that I want to leave with readers should serve as an antidote to these overwrought, defeatist critiques by acknowledging that **the administration of criminal law has changed substantially for the better over the past half century and that there is reason to believe that, properly guided, it can be improved even more. Today there are more formal and informal protections against racial bias than ever before**, both in terms of the protections accorded to blacks against criminality and the treatment accorded to black suspects, defendants, and convicts. **That deficiencies, large deficiencies, remain is clear. But comparing racial policies today to those that prevailed in 1940 or 1960 or even 1980 should expose the fallacy of asserting that nothing substantial has been changed for the better. This point is worth stressing because of the prevalence and prominence of pessimistic thinking about the race question in American** life. Some commentators maintain, in all seriousness, that there has been no significant improvement in the overall fortunes of black Americans during the past half century, that advances that appear to have been made are merely cosmetic, and that the United States is doomed to remain a pigmentocracy. **This pessimistic strain often turns paranoid and apocalyptic in commentary about the administration of criminal law. It is profoundly misleading, however, to focus exclusively on the ugliest aspects of the American legal order. Doing so conceals real achievements: the Reconstruction Constitutional Amendments, the Reconstruction civil rights laws, *Strauder v. Alabama*, *Dempsey v. Moore*, *Brown v. Mississippi*, *Powell v. Alabama*, *Norris v. Alabama*, *Batson v. Kentucky*, the resuscitation of Reconstruction by the civil rights movement, the changing demographics of the bench, bar, and police departments—in sum, the stigmatization (albeit incomplete) of invidious racial bias. Neglecting these achievements robs them of support**. Recent sharp attacks upon basic guarantees bequeathed by the New Deal ought to put everyone on notice of the perils of permitting social accomplishments to lose their rightful stature in the public's estimation.

**AT: Solvency Turn – State will Coopt**

**[\_\_] Mass incarceration is the cardinal scourge of black masses and it debilitates resistance movements. We must use every tactic to challenge it, including legal reform.**

**Williams, 1968**

(March 1968, Robert F. Williams was a civil rights leader and author, best known for serving as president of the Monroe, North Carolina chapter of the NAACP in the 1950s and early 1960s. Black Panther Party founder Huey Newton cited Williams's *Negroes with Guns* as a major inspiration. "Reaction Without Positive Change", *The Crusader*, Volume 9, Number 4, [http://freedomarchives.org/Documents/Finder/DOC513\\_scans/Robert\\_F\\_Williams/513.RobertFWilliams.Crusader.March.1968.pdf](http://freedomarchives.org/Documents/Finder/DOC513_scans/Robert_F_Williams/513.RobertFWilliams.Crusader.March.1968.pdf))

It is because it is an instrument of social reaction in the employ of reactionaries hell-bent on preserving an ante-bellum and vulturous power structure frenetically trying to maintain its encircled and battered position. **Tyrants do not change of themselves. The pressure of the people stimulated by the enlightenment derived from their social being is the driving wheel that propels the vehicle of change. The Black and the powerless**, who face the wrath of so-called Anglo-Saxon jurisprudence, **must come to realize the futility of leaving their fate to the rule of law as implemented by puppet judges** who pander to the savage emotions of a cold blooded aristocracy. The true power of the state derives from the people. The weakness of the people in a confrontation with state tyranny evolves from the apathy, confusion, demoralization, disunity and ignorance of their own power. All over degenerate and fascist America today the most complimentary citizens of a civilized society are being railroaded to prison, are being removed from a decadent and sheepish society that is in dire need of highly moral and resistant fiber. These courageous and upright citizens constitute the last thin line between regression and progression. They are the sparse in numbers but firm pillars that so precariously prevent the society from plunging into the tragic and chaotic depth of despotic fascism. **America's jails are teeming with principled Black Nationalists, freedom fighters, war resisters, peace advocates, resisters of false arrest, those forced into crime as a means of survival, the penniless and powerless guilty of minor infractions, but unable to pay the court's tribute money and the state's bribery.** America's racist courts have assumed the despotic posture of institutionalized lynch mobs enjoying the sanctimonious solicitude of the state's ritualistic buffoonery. **This inhumane and oppressive situation can only be rectified by an aroused, united and determined citizenry.** The power of the enraged masses must be arrayed against this Anglo-Saxon kangarooism. **We must strive to create more favorable legal conditions to disrupt the orderly and uninhibited process of perennial racist kangaroo justice. A life-and-death struggle must be waged to break this antiquated first line of the reactionary power structure's defense** of its fast eroding position. Science changes, medicine changes, education changes, customs change, styles change but the archaic courts still arrogantly pride themselves on the fact that they are the true and noble hermits from the dark ages. **In our life-and-death struggle, we must convert everything possible into a weapon of defense and survival. We must not be narrow-minded and sectarian in our scope. When possible we must use the ballot, we must use the school, the church, the arts and even the evil legal system that we know to be stacked against us.** We must fight in the assemblies, we must fight in the streets. We must make war on all fronts. We must use the word as well as the bullet.

# **Drug Surveillance Negative**

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## **Summary**

The Negative's responses to the Drug Surveillance case should engage with the root analysis that the Affirmative offers. Instead of debating about whether or not these types of cases are appropriate, or the role of the judge in the debate round, it is more educational to simply engage with the argument.

The first avenue of attack is to challenge whether or not the structural reasons behind these problems still exist, or if there are solutions on the way already. One way to do this is to assume whether or not reforms are already occurring, or if profiling of minorities is ending. The core issue here would be whether or not we, as a society, could ever move past these structural harms without the entire society undergoing the type of education the Affirmative team describes in their challenge of ideology.

The second avenue of attack is to question if ending drug surveillance will really end race-based surveillance of the Black Body. There are questions of how the case will stop other forms of surveillance of the Black Body. In addition, if the government is already inclined to oppress minorities due to negative perceptions of their identities, then even if the Affirmative advocates for a specific stance, a strong argument can be made that the State will adopt the stance to pacify the movement and turn it into another form of control.



## Glossary

**Black Body** – A reference to the representation of Blacks as a commodified object.

**Biopolitics** – a concept in social theory used to examine the strategies and mechanisms through which human life processes are managed under regimes of authority over knowledge, power, and the processes of subjection.

**Decarceration** – The process of removing people from places of imprisonment such as prison or decreasing the rate of imprisonment. It is a term that represents the literal opposite of incarceration.

**Criminalization** – the process of turning an activity or act into a criminal offense legally, socially, or culturally.

**Hegemony** – leadership or dominance by one country over the international system.

**Incarceration** – The state of being confined in prison or detained.

**Institutional racism** – any system of inequality based on race in institutions such as public government, private business, and universities.

**Neoliberalism** – An approach to economics and social studies in which control of economic factors is shifted from the public sector to the private sector.

**Pedagogy** – the method and practice of teaching, especially as an academic subject or theoretical concept.

**Prison Industrial Complex** – a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.

**Reformism** – the assumption that gradual changes through and within existing institutions can ultimately change a society's fundamental economic system and political structures.

**Utilitarianism** – A philosophical view that argues that actions that are ethically right or useful for the benefit of the majority are best. The greatest number should be the guiding principle of conduct.

**Whiteness** – a social construction that provides material and symbolic privileges to whites, those passing as white, and sometimes honorary whites.

**White supremacy** – the belief that white people are superior to those of all other races, especially the black race, and should therefore dominate society.

**No Harms – States Changing Drug Policy**

[ ]

[ ] **The status quo solves – Not only is the federal government curbing the WOD, but the states are massively changing drug policy and they affect more people.**

**Desilver, 2014**

(Drew Desilver is a correspondent at the Pew Research Center, “Feds may be rethinking the drug war, but states have been leading the way” April 2, <http://www.pewresearch.org/fact-tank/2014/04/02/feds-may-be-rethinking-the-drug-war-but-states-have-been-leading-the-way/>)

**Attorney General Eric Holder recently called for reduced sentences for low-level drug offenders in federal cases, with the aim of reducing the growth of the federal prisoner population.** (About half of the nearly 200,000 federal inmates have been convicted of a drug offense.) Earlier, he said low-level drug offenders wouldn’t automatically be charged with offenses that carried strict mandatory minimum sentences, and gave Washington and Colorado the go-ahead to implement marijuana-legalization initiatives. This month, the U.S. Sentencing Commission is expected to vote on a set of amendments to the sentencing guidelines used by federal judges. The interest in sentencing reform now spans Washington D.C.’s normal partisan and ideological battle lines. **The Smarter Sentencing Act of 2014**, now pending before the Senate, **would cut mandatory minimums for a host of federal drug crimes.** Its sponsors include Senate Majority Whip Richard Durbin, liberal Democrats Patrick Leahy and Sheldon Whitehouse, Maine independent Angus King, and libertarian Republicans Rand Paul and Mike Lee. **The federal moves come after years of similar changes at the state level. Between 2009 and 2013, 40 states took some action to ease their drug laws,** according to a Pew Research Center analysis of legislative data provided by the National Conference of State Legislatures and the Vera Institute of Justice. **Twenty-seven states moved only in the direction of easing, while 13 other states eased some laws and toughened others —** often as part of a broader rethink of their drug policies. **State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.** Some have been minor tweaks, such as Idaho’s 2011 change that allowed people convicted of violent felonies to participate in drug courts under certain circumstances. Other states have taken very different approaches to drugs: New York, for instance, moved away from its harsh Rockefeller-era drug laws in 2009. Last year, Vermont decriminalized possession of less than an ounce of marijuana, while Oregon (where possession of less than an ounce has been a noncriminal violation since 1973) made possession of more than an ounce a misdemeanor rather than a felony. **All told, 16 states have passed laws decriminalizing marijuana;** Maryland, which reduced penalties for marijuana possession and use in 2012, is now considering decriminalization legislation. **State-level policy changes may not get the attention of federal moves, but they can affect many more people.** State prisons house more than six times as many prisoners as federal prisons — more than 1.35 million in 2012, according to the Bureau of Justice Statistics. And for 16.6% of all state prisoners, a drug crime is their most serious offense (down from 20% in 2006).

## No Harms – Profiling Ending Now

[ ]

[ ] Specifically, the DEA has changed its policy on profiling.

### **Barrett, 2014**

(Devlin Barrett is from the Wall Street Journal, December 8, “Justice Department Issues New Guidelines Barring Racial Profiling by Federal Agents” <http://www.wsj.com/articles/justice-department-to-issue-new-guidelines-barring-racial-profiling-by-federal-agents-1418036401>)

**Attorney General Eric Holder on Monday laid out new guidelines against racial and other types of profiling, citing law-enforcement cases that have sparked protests even as the new federal policy wouldn't affect local police. The federal government since 2003 has banned profiling on the basis of race or ethnicity, though it has made an exception for national-security investigations. The new policy also will bar profiling on the basis of religion, gender, national origin, sexual orientation or gender identity, according to officials.**

**No Harms – Marijuana Legalization Soon**

[ ]

[ ] **Marijuana legalization is coming now.****Wyatt, 2014**

(Kristen Wyatt is from the Associated Press, April 2, “Poll: Marijuana legalization inevitable”, <http://www.usatoday.com/story/news/nation/2014/04/02/poll-marijuana-legalization-inevitable/7210215/>)

**Marijuana legalization in the U.S. seems inevitable to three-fourths of Americans, whether they support it or not**, according to a new poll out Wednesday. **The Pew Research Center survey on the nation's shifting attitudes about drug policy also showed increased support for moving away from mandatory sentences for non-violent drug offenders.** The telephone survey found that **75 percent of respondents — including majorities of both supporters and opponents of legal marijuana— think that the sale and use of pot eventually will be legal nationwide.** It was the first time that question had been asked.

[ ] **Major drug legalization is coming now which decreases policing.****Cooper 2015**

(Ryan Cooper is a national correspondent at The Week, “The Beginning of the end of the war on drugs” March 30 <http://theweek.com/articles/546750/beginning-end-war-drugs>)

Something similar might be happening with the War on Drugs. Though the change has been longer in coming, and like gay rights the battle is far from over, **there are some recent developments that would be absolutely incomprehensible to a time traveler from 2004. And I'm not just talking about marijuana. No, this is news about hard drugs in conservative states. In Kentucky, the legislature passed a bipartisan bill advancing a harm-reduction approach towards heroin addiction, while in Indiana, Republican Gov. Mike Pence authorized a needle-exchange program in response to an outbreak of HIV. The experiments with full marijuana legalization in Colorado, Washington, D.C., and Washington state are vital and long-overdue measures. But marijuana poses relatively simple political and policy challenges, since as a drug it is relatively harmless and now widely known to be so.** Harder drugs like heroin, meth, and cocaine, by contrast, are much more dangerous and addictive, and thus pose more difficult political and policy questions. On the other hand, hard drugs are also behind the very worst part of the War on Drugs — the gruesome violence it foments in Latin America, where gangs massacre each other and everyone else over the ability to sell drugs to Americans. Reforming drug policy has the potential to make the world a dramatically better place.

## Utilitarianism Outweighs

[ ]

[ ] Don't sign away the human species in favor of feel-good politics. Use your ballot to prefer the advocacy that avoids the fastest and most probable internal link to extinction.

**Bostrom, 2002**

(Nick, PhD and Professor at Oxford University, March, Journal of Evolution and Technology, vol 9]  
<http://www.nickbostrom.com/existential/risks.html>)

Previous sections have argued that the combined probability of the existential risks is very substantial. Although there is still a fairly broad range of differing estimates that responsible thinkers could make, it is nonetheless arguable that **because the negative utility of an existential disaster is so enormous, the objective of reducing existential risks should be a dominant consideration when acting out of concern for humankind as a whole.** It may be useful to adopt the following rule of thumb for moral action; we can call it *Maxipok*: **Maximize the probability of an okay outcome, where an "okay outcome" is any outcome that avoids existential disaster.** At best, **this is a rule of thumb, a prima facie suggestion, rather than a principle of absolute validity,** since there clearly are other moral objectives than preventing terminal global disaster. Its usefulness consists in helping us to get our priorities straight. **Moral action is always at risk to diffuse its efficacy on feel-good projects[24] rather on serious work that has the best chance of fixing the worst ills.** The cleft between the feel-good projects and what really has the greatest potential for good is likely to be especially great in regard to existential risk. **Since the goal is somewhat abstract and since existential risks don't currently cause suffering in any living creature[25], there is less of a feel-good dividend to be derived from efforts that seek to reduce them.** This suggests an offshoot moral project, namely to reshape the popular moral perception so as to give more credit and social approbation to those who devote their time and resources to benefiting humankind via global safety compared to other philanthropies. *Maxipok*, a kind of satisficing rule, is different from *Maximin* ("Choose the action that has the best worst-case outcome.")[26]. **Since we cannot completely eliminate existential risks** (at any moment we could be sent into the dustbin of cosmic history by the advancing front of a vacuum phase transition triggered in a remote galaxy a billion years ago) using *maximin* in the present context has the consequence that **we should choose the act that has the greatest benefits under the assumption of impending extinction.** In other words, *maximin* implies that we should all start partying as if there were no tomorrow. While that option is indisputably attractive, it seems best to acknowledge that there just might be a tomorrow, especially if we play our cards right.

**No Solvency – Non-Drug Surveillance**

[ ]

**[ ] The affirmative doesn't solve for non-drug surveillance of poor communities.****Eubanks, 2014**

(Virginia Eubanks teaches in the Department of Women's, Gender and Sexuality Studies at the University at Albany, SUNY, and is a fellow at the Rockefeller Institute of Government, January 15, "Want to Predict the Future of Surveillance? Ask Poor Communities." <https://prospect.org/article/want-predict-future-surveillance-ask-poor-communities>)

If people remain concerned about the impact of surveillance on their lives they may voluntarily withdraw from the digital world. Gilliom suggests we might even see "a hipster social trend where disengagement becomes a form of cache." But digital disconnection can simply be an excuse for maintaining ignorance; **many people don't have the option to disengage.** For example, **public assistance applicants must sign a personal information disclosure statement to permit social services to share their social security number, criminal history, personal, financial, medical and family information with other public agencies and private companies.** Technically, **you can refuse to sign and withhold your social security number. But if you do not sign, you cannot access food stamps, transportation vouchers, cash assistance, childcare, emergency housing assistance, and other basic necessities for survival, or even talk to a caseworker about available community resources.**

**[ ] Poor Black people are surveilled through social services as well.****Eubanks, 2014**

(Virginia Eubanks teaches in the Department of Women's, Gender and Sexuality Studies at the University at Albany, SUNY, and is a fellow at the Rockefeller Institute of Government, January 15, "Want to Predict the Future of Surveillance? Ask Poor Communities." <https://prospect.org/article/want-predict-future-surveillance-ask-poor-communities>)

But I wasn't surprised. **A decade ago, I sat talking to a young mother on welfare about her experiences with technology. When our conversation turned to Electronic Benefit Transfer cards (EBT), Dorothy\* said, "They're great. Except [Social Services] uses them as a tracking device."** I must have looked shocked, because she explained that her caseworker routinely looked at her EBT purchase records. **Poor women are the test subjects for surveillance technology, Dorothy told me ruefully, and you should pay attention to what happens to us. You're next.**

## Solvency Turn – Rule of Law Will Co-opt

[\_\_\_] Resistance to government techniques is impossible through the law – it inevitably gets co-opted by state interests and just obscures state power.

## Leonard, 1990

(Juris Doctorate from the Syracuse University College of Law and is currently a doctoral candidate in the Department of English and Comparative Literature at the University of Wisconsin-Milwaukee Jerry D., "Foucault: Genealogy, Law, Praxis" Legal Studies Forum, Volume XIV, Number 1, Hein Online)

As I have implied above, the intricate and multitudinal sets of rules of law are inseparable from the similarly diverse forms of legal rights and obligations, all of which are constituted within the rituals of political struggles. These rules of law should be understood, then, as cultural signifiers of power struggles. The use of particular legal rules, or **the** more generalized **resort to legal rule systems** in the effort to derive some set of principles embodied in them, **is a concealed deployment of political force. These legal rules and their use are therefore not designed to temper violence, but, on the contrary, to satisfy it** (see Foucault 1971: 85). As Foucault puts it: "**Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity**, where the rule of law finally replaces warfare; **humanity installs each of its violences in a system of rules and thus proceeds from domination to domination**" (Foucault 1971: 85). At least a partial answer to the genealogical enquiries into the historical processes of political violences, therefore, would lie precisely in this properly critical identification of the radical contingency, malleability and interpretability of the rules themselves -that is to say, in a theory of the opacity of language. 8 Thus we have the proposition that **the particular rules of law are, at a single stroke, the disguises of violent struggle and the "tools"** (critically understood) **or instruments of that struggle**. As Foucault writes in "Nietzsche, Genealogy, History" (1971): **Rules are empty in themselves**, violent and unfinalized; they are impersonal and can be bent to any purpose. **The successes of history belong to those who are capable of seizing these rules**, to replace those who had used them, to disguise themselves so as **to pervert them, invert their meaning, and redirect them against those who had initially imposed them**; controlling this complex mechanism, they will make it function so as to overcome the rulers through their own rules (Foucault 1971: 85-86). It goes almost without saying that an oppositional politics is concerned with this "play of dominations" (Foucault 1971: 85), as Foucault puts it, which constantly rumbles beneath the surface of appearances in legal(istic) culture. But it is no less true that those political collectivities which currently exercise hegemony/dominance must also, at some level of consciousness, know the threatening pressure at stake in the question of interpretation as Foucault's work (re)presents it - that is to say, the exposure of an essential indeterminacy in the existence of rules, and thus an obstinate contingency at the heart of culture's order and organization. **The threatening position of a genealogical legal theory**, in other words, **is that reading is always already political**; or to put this same proposition on a more general level, that **power insinuates itself into the fabric of not only what we claim to understand, but also what is (re)presented as the unknown and mysterious. What goes by the name of "interpretation,"** then, under Foucault's analytic of power/knowledge, **is in fact a series of actions which are profoundly dangerous and potentially uncertain: "the violent or surreptitious appropriation of a system of rules, which in itself has no essential meaning,** in order to impose a direction, to bend it to a new will, to force its participation in a different game, and to subject it to secondary rules" (Foucault 1971: 86).

[\_\_\_] The affirmative ignores how power operates. Power doesn't recede, it just reorganizes.

### Leonard, 1990

(Juris Doctorate from the Syracuse University College of Law and is currently a doctoral candidate in the Department of English and Comparative Literature at the University of Wisconsin-Milwaukee Jerry D., "Foucault: Genealogy, Law, Praxis" Legal Studies Forum, Volume XIV, Number 1, Hein Online)

The critical insight running through Foucault's analyses of political power, law and interpretation is that the knowledge(able) practices inscribed in such cultural operations constitute, at bottom, a silent warfare, a play of dominations, a constant tug of war over the organization of culture and the (re)presentation of its historical formation. That this is indeed a constant struggle and not a natural given, or a "once and for all" event, is doubtless of most importance for the forces of opposition, for as Foucault reminds us in the interview "Body/Power" (1975), **the impression that power weakens and vacillates ... is in fact mistaken; power can retreat here, re-organise its forces, invest itself elsewhere ... and so the battle continues**" (Foucault 1975: 56). This understanding of political struggle as conquest, displacement, reversal, re-conquest, etc., can of course be situated in the context of juridical struggles over rules of "right" by recalling the legal apparatus as a massive field of discursive productions - involved in producing, namely, the truths of legitimacy. The effect of this discursive machination is that, just as oppositional forces effectively expose legal illegitimacies to the dangerous extent that the dominant legal consciousness must acknowledge crisis and the concomitant necessity of reform(ation) (of the same system), **the dominant regime's seemingly innocent interpretation of a new set of rules or "rights" effectively works to recoup the losses of the crisis-moments in order to reinscribe but another form of hegemony.** As Robert Gordon has written, the doctrinal "victories" tend always to peak all too early; **just as an apparently promising line of rules is opened up, they become qualified** (interpreted) **before becoming truly threatening to the existing order** (see Gordon 1982).<sup>9</sup> **A large part of the problem for opposition to the legal hegemony, then, lies in this awareness that this massive network of the dominant juridical apparatus vigorously works at once - at the level of social appearances - to recognize its operations and acts of interpretation as illegitimate, and at a deeper, critical level to produce ever more subtle plateaus of cultural legitimacy.** To put it another way, as oppositional discourses effect real crisis consciousness at the social level - or, in other words, **as opposition intervenes in the hegemonic system of signification - the juridical apparatus** (among other system-maintaining apparatus of culture) **responds essentially in the way of a "crisis management" to re-articulate the terms** (the appearance of "new" rules and rights) **of the same macropolitical structure.** As Gordon puts it, "The official legal establishment ha[s] been compelled to recognize claims on its utopian promises. But these real gains have deepened the legitimacy of the system as a whole" (Gordon 1982; see also 1987). But as Foucault insists, what is taking place in these contestations is not so much a "recuperation" as the "usual strategic development of a struggle.... One has to recognise the indefiniteness of the struggle - though this is not to say it won't some day have an end ... " (Foucault 1975: 56-57). Conclusion: Praxis



## Solvency Turn – State Will Co-opt

[ ]

[ ] The codification of race within the law secured the subjugation of blacks which makes emancipation impossible from within the state

## Hartman, 1997

(Saidiya Hartman is a renowned author and a professor at Columbia University specializing in African American literature and history, “Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America” p. 194-195)

**The codification of race in the law secured the subjugation of blacks, regulated social interaction, and prescribed the terms of interracial conduct and association, despite protestations to the contrary. As the consequence of this codification of race, blackness became the primary badge of slavery because of the burdens, disabilities, and assumptions of servitude abidingly associated with this racial scripting of the body, and inversely, whiteness became “the most valuable sort of property” and the “master-key that unlock[ed] the golden door of opportunity.”** To be sure, the Louisiana statue did impose the badges of slavery; it interfered with the personal liberty and full enjoyment of the entitlements of freedom and regulated the civil rights common to all citizens on the basis of race, and it thereby placed blacks in a condition of legal inferiority (563). The badges-of-slavery argument advanced by the attorneys for Plessy and in the dissenting opinion of Judge John Marshall Harlan deconstructed the purported neutrality of racial distinctions and, above all, held that racial classifications produced “caste-distinctions” or a superior and inferior race among citizens. **Indeed, the Louisiana statue placed blacks in a condition of inferiority. However, it accomplished this not merely by the designation of a physical location, a seat in a particular railroad car. In directing individuals to separate cars, the conductor, in effect, assigned racial identity,** a peril that did not go unmentioned by the Court and which was at the heart of Plessy’s challenge. On what basis and with what authority could a conductor assign race? Was not such assignment and assortment based on race a perpetuation of the essential features of slavery? Moreover, what did I mean to assign race when race exceeded the realm of the visually verifiable? Tourgee’s brief emphasized the instability of race and that the codification of race was purely in service of white dominance. In considering why Homer Plessy should not be allowed to enjoy the reputation of whiteness, Tourgee asked: “By what rule then shall any tribunal be guided in determining racial character? It may be said that all those should be classed as colored in whom appears a visible admixture of colored blood. By what law? With what justice? Why not count everyone as white in whom is visible any trace of white blood? There is but one reason to wit, the domination of the white race.” **Blood functioned as the metaphysical title to racial property. Yet as there was no actual way to measure blood, the tangled lines of genealogy and association—more accurately, the prohibition of association—thus determined racial identity. If inheritance determined identity (and what could be more appropriate than inheritance in naming the law’s production of racial subjects given the transmutation of blood into property), then it opened the golden door of opportunity for those able to enjoy the reputation of whiteness and disenfranchised those unable to legally claim title to whiteness.**

# **Cartels Disadvantage**

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## **Summary**

The Cartels Disadvantage describes a negative side effect to the Affirmative plan. The Cartels DA establishes the War on Drugs as a program that is succeeding at limiting the proliferation and abuse of drugs within the United States. It maintains that success in the War on Drugs is key to preventing violent crimes, including those committed by cartels. Furthermore, to prevent cartels from expanding and continuing to thrive, we must allow for the continued use of surveillance that has been used effectively in the past to curb the expansion of cartels. The evidence makes it clear that the impact of drug cartel violence can rival or exceed the impact of major wars in loss of life and cultural impact.

Other pieces of evidence maintain surveillance is uniquely able to prevent organized crime such as human trafficking within the United States. The Cartels Disadvantage also provides evidence that surveillance inhibits the ability of cartels to collaborate with major terror organizations. While conceding that the War on Drugs has not been perfect, the evidence also shows that prison populations and racially motivated crimes have decreased while the War on Drugs has occurred. Lastly, the evidence highlights that drug cartels have had significantly more negative impacts on impoverished citizens in Mexico, and that the cartels do not contribute significantly to the Mexican economy.

## Glossary

**Border Patrol** – the Department of Homeland Security agency that attempts to prevent the entry of undocumented immigrants and other persons on the border

**Cartel**—an organization created to regulate the supply of a good with the goal of limiting competition

**Drug Cartel**—a criminal organization that primarily participates in illegal drug markets but may also engage in human smuggling, kidnapping, oil theft and other crimes. Examples include Los Zetas and the Sinaloa Cartel

**Drug Enforcement Administration (DEA)** – the US agency tasked with solving drug trafficking  
**Counter-Narcotics**—measures used to combat drug trafficking

**Drug Trafficking**—The illegal trade of drugs

**Drug War/War on Drugs** – the term referring to a set of strategies Mexico and the United States currently use to fight drug cartels. These strategies tend to be militaristic, including military aid and the capture of cartel members

**Enrique Peña Nieto**—the current President of Mexico

**Force Multiplier** – something that significantly increases the potential of an action or policy

**Hegemony**—political, economic, and or military dominance

**ICE** – U.S. Immigration and Customs Enforcement, a federal agency tasked with immigration policy

**Insurgency**—violent rebellion against government authority

**ISIS surveillance** – in this file, ISIS surveillance refers to a surveillance system, not the Islamic State of Iraq and Syria

**Kingpin** – the leader of a crime organization

**Oil Shock** –a fast and significant change in the oil market

**RGV** – the Rio Grande Valley, an area monitored by the Border Patrol

**SOD** – Special Operations Division, a part of the Drug Enforcement Agency that does covert information gathering primarily surrounding drug trafficking

**Trafficking**—the illegal trade of something

**Transnational** – in more than one country

**1NC Shell (1/3)**

**A. Uniqueness – Drug cartel violence is decreasing—trends are optimistic, but continued success is key to stop persistent, violent crimes.**

**Gomez, USA Today Reporter, 2015**

(Alan, USA Today Reporter, April 30<sup>th</sup>, After years of drug wars, murders decline in Mexico, USA Today, <http://www.usatoday.com/story/news/world/2015/04/30/mexico-drug-war-homicides-decline/26574309/>)

**Murders in Mexico fell for a third straight year** in 2014 — **the most pronounced declines occurring along the U.S. border** — a sign **the country is slowly stabilizing after** gruesome **drug wars**. There were 15,649 people murdered in Mexico in 2014, a 13.8% reduction from the previous year and down from a peak of 22,480 in 2011, according to a report set to be released Thursday by the University of San Diego's Justice in Mexico Project. The reductions were steeper along the U.S.-Mexican border. **Five of the six Mexican states that border the USA reported a combined drop of 17.7% in the number of homicides.** **"These data really help to underscore that we're talking about a sea change in violence,"** said David Shirk, co-author of the report and director of the Justice in Mexico Project, a U.S.-based initiative to protect human rights south of the border. "You still have elevated levels of crime, so we still have a long way to go. But there is improvement, and we have to acknowledge that improvement and understand why it's happening so we can try to further it." The reduction in homicides does not mean Mexico has completely solved its security problems. Maureen Meyer, senior associate for Mexico at the Washington Office on Latin America, said Mexicans still face extremely high levels of kidnappings, extortion and other violent crimes. American travelers have also been attacked. The U.S. State Department issued a warning April 13 that said U.S. citizens continue to be victims of carjackings, robberies and other violent crimes. Meyer said **the overall reduction in murders is an encouraging trend that allows Mexican officials time to cement improvements in the judicial system, anti-corruption programs and police practices.** She said the government must "make sure that the space opened by having less violence leads to structural changes to Mexico's institutions to guarantee a strong rule of law in the future."

## 1NC Shell (2/3)

**B. Link – War on Drugs surveillance is necessary to stop drug cartels – surveillance has been behind major past successes.**

**Beith, author on the Drug War, 2013**

(Malcolm, former journalist who has provided commentary on the Drug War to multiple media outlets, A Single Act of Justice, Foreign Affairs, <https://www.foreignaffairs.com/articles/americas/2013-09-08/single-act-justice>)

The effects have been remarkably positive. In reshaping the war on drugs to support the war on terrorism, the United States found a better way to fight both. Take, for example, the rise in prosecutions of drug traffickers in the past decade. **During the 1990s, the United States managed to extradite only a handful of alleged drug traffickers** from Mexico; **since 2001, the U.S. government has brought hundreds of drug-trafficking offenders north of the border for trial.** In many of those trials, the defendants were members of terrorist organizations. In 2001, for example, U.S. federal prosecutors indicted Tomás Molina Caracas, an alleged commander of the Revolutionary Armed Forces of Columbia (FARC), for conspiring to produce and distribute cocaine in the United States. **By treating the FARC as a terrorist organization that also engaged in drug trafficking, the case became a model for future prosecutions.** At the time, then Attorney General John Ashcroft said that the indictment represented "the convergence of two of the top priorities of this Department of Justice -- the prevention of terrorism and the reduction of illegal drug use -- in a single act of justice." **In 2006, a single indictment** filed in the U.S. District Court for the District of Columbia **named 50 high-ranking members of the FARC, and alleged that it supplied more than 60 percent of the world's cocaine.** Prosecutors again emphasized the nexus between narcotics and terrorism. **DEA operatives have also found success in penetrating the international networks** where drug trafficking and terrorist activity intersect. Between November 2007 and March 2008, confidential sources working with the DEA and posing as members of the FARC arranged to buy millions of dollars in weaponry from international arms dealer Viktor Bout, ostensibly to use against U.S. helicopters in Colombia. The weaponry included 800 surface-to-air missiles, more than 20,000 AK-47s, and five tons of C-4 plastic explosives. **In 2009,** another set of confidential sources -- also posing as members of the FARC -- arranged a deal with a trio of Malian traffickers and militants to transport cocaine through West and North Africa and to use the profits to support the activities of al Qaeda in the Islamic Maghreb. **U.S. officials quickly apprehended the traffickers, extraditing them to the United States to stand trial.** Further, it was a DEA confidential source who first uncovered an alleged Iranian plot to assassinate the Saudi ambassador in Washington on October 11, 2011. Posing as a member of the Mexican drug cartel Los Zetas, the source claimed to have discussed executing the plan on behalf of Iranian agent Manssor Arbabsiar. **The DEA has benefitted from** larger changes in **U.S. intelligence-gathering procedures** through the DEA Special Operations Division, **which comprises two dozen partner agencies, including the FBI, the CIA, the NSA, and the IRS.** Internationally, **the DEA has reaped the rewards of increased flexibility regarding wiretapping** by host nations. In some instances, however, its surveillance activities have caused diplomatic tussles involving foreign politicians linked to the drug trade itself.

## 1NC Shell (3/3)

**C. Impact – Drug cartel-caused violence results in levels of suffering that rival those of major wars.**

**Blake**, JD University of Michigan Law School, 2012

(Jilian N., former Analyst for the Department of Defense and current owner of and lawyer at Blake & Wilson Immigration Law, Gang and Cartel Violence: A Reason To Grant Political Asylum from Mexico and Central America, Yale Journal of International Law Vol. 38, <http://www.yjil.org/docs/pub/o-38-blake-gang-and-cartel-violence.pdf>)

The resulting level of **violence in Mexico and Central America has been extremely high**. According to U.S. military officials, **the conflict in Mexico and Central America has come to rival the conflicts in Iraq and Afghanistan in terms of the scale of violence**, spending and weapons.<sup>26</sup> The United Nations reports that **the “Northern Triangle (El Salvador, Honduras, and Guatemala) has the highest murder rate of any region in the world**, and very high rates of other forms of violent crime.”<sup>27</sup> **In Mexico**, since Calderón’s campaign began in 2006, **more than 50,000 people have been killed** as a result of drug-related violence.<sup>28</sup>

III. BASIS FOR PROTECTION FROM GANGS AND CARTELS UNDER U.S. LAW

The prevalence of gang violence in the region has been accompanied in recent year by a steadily growing number of asylum applications in the United States.<sup>29</sup> These applicants are **individuals who resist gang demands, including young men who resist recruitment, women who are victims of sexual violence or intimidation, human rights and church activists, those who resist extortion, law enforcement agents, gang members forced to join gangs and trying to leave, and others**. These **individuals fleeing persecution from gangs or drug-trafficking cartels** in Mexico or Central America might **claim refugee, non-refoulement, or Convention Against Torture (CAT) protection** in the United States. The international legal definition of refugee is incorporated into United States law, with minor changes, in the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980.<sup>31</sup> **The definition contains three core elements: (1) a well-founded fear of persecution; (2) a nexus between the persecution and a Convention ground including race, religion, nationality, membership in a particular social group, or political opinion; and (3) a lack of state protection**. Additionally, Article 33(1) of the Refugee Convention codifies the principle of non-refoulement, which forbids a state from rendering a victim of persecution to her persecutor.<sup>32</sup> States party to the Refugee Convention or the 1967 Protocol are under no obligation to grant asylum to refugees, however. Under Article 33(1), they are only prohibited from expelling or returning refugees to a country where they would face persecution on enumerated grounds.



## AT: Non-Unique – Drug Violence Increasing Now

[ ]

[ ] Drug violence is decreasing now, but continued focus is key.

**Guerrero**, staff writer for the Americas Quarterly, 2014

(Eduardo Guerrero, Americas Quarterly, “Cuba and Colombia”, Fall 2014,

<http://www.americasquarterly.org/content/yes-violence-and-murder-are-decreasing-mexico>)

**When Mexican President Felipe Calderón left office in 2012, the nation’s war on the drug cartels had already claimed 60,000 lives. Now, two years into the presidency of his successor, Enrique Peña Nieto, security conditions are still far from praiseworthy, but have improved in several key areas. Homicides**, the most reliable indicator for measuring public security in Mexico, **have steadily decreased over the past two years**. According to Mexico’s Instituto Nacional de Estadística y Geografía (National Institute of Statistics and Geography—INEGI) the number of murders decreased 13 percent between 2012 and 2013, and the homicide rate per 100,000 people declined from 22 to 19. **Organized crime-related deaths have decreased even faster**. According to the database of Lantia Consultores, a Mexico City-based public policy consulting firm, there were 1,956 organized crime-related deaths in the second quarter of 2014, down from a peak of 4,587 in the second quarter of 2011. **The pace of the decline in organized crime-related deaths has been especially encouraging in two key metropolitan areas. In Ciudad Juárez, once known as the world’s most violent city, organized crime-related deaths have dropped** from a peak of 787 during the third quarter of 2010 to 54 in the second quarter of 2014—a **93 percent** drop. **Likewise, in the Monterrey metropolitan area**, Mexico’s industrial capital, **murders** in this category **dropped from 472 in the first quarter of 2012 to 38 in the second quarter of 2014**. The improvement in Monterrey seems to be the result of a thorough revamping of state and local police departments, which is largely the result of aggressive lobbying by the city’s powerful business community. This demonstrates the potential of local institution-building efforts in Mexico. Even the U.S. Department of State acknowledged as much in its August 2014 Mexico Travel Warning, which stated, “Security services in and around Monterrey are robust and have proven responsive and effective in combating violent crimes.”<sup>1</sup> **Moreover, over the past two years, peace has returned to cities throughout northern Mexico to an extent that seemed impossible between 2008 and 2012**. High-profile attacks, shootings and roadblocks are less frequent. (One exception is Tamaulipas, which experienced a violent crisis as recently as last April.) Unfortunately, data for crimes other than homicide remain unreliable in Mexico. Thus, it is very hard to assess whether the downward trend in murders extends to other violent crimes, especially kidnapping and extortion, which are foremost concerns for Mexicans.

**AT: No Link – Surveillance Fails to Solve Crime**

[ ]

[ ] **Domestic surveillance is the key tool to solve organized crime—it enables law enforcement to anticipate trafficking plans and obtain evidence for court without significantly infringing on individual privacy.**

**Ohr, Professor of Law, 2007**

(Bruce G, December, Professor of Law, Georgetown University, Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes, 116TH INTERNATIONAL TRAINING COURSE VISITING EXPERTS' PAPERS, [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no58/58-05.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no58/58-05.pdf))

Electronic **Surveillance represents the single most important law enforcement weapon against organized crime. There is nothing as effective as proving a crime through the defendant's own words.** Electronic **Surveillance evidence provides reliable, objective evidence of crimes through the statements of the participants themselves. Additionally, electronic surveillance enables law enforcement to learn of conspirators' plans to commit crimes before they are carried out.** This allows them to survey the criminal activities, such as delivery of contraband and conspiratorial meetings, or to disrupt and abort the criminal activities where appropriate, making electronic surveillance particularly helpful in preventing the occurrence of violent crimes. Additionally, **electronic surveillance is particularly helpful in transnational crimes because it enables law enforcement to intercept conspirators in the United States discussing crimes with their criminal associates in countries outside the United States.** Electronic surveillance gives United States law enforcement evidence of conspiratorial planning against co-conspirators operating outside of the United States that would otherwise be very difficult to obtain. While electronic surveillance is extremely valuable, it is also a very sensitive technique because of legitimate concerns for a person's privacy interests. These concerns impose significant restrictions on electronic surveillance. For example, electronic surveillance can only be used to obtain evidence of some specific serious offenses listed in the governing statute.<sup>4</sup> If an agent or governing attorney wishes to secure electronic surveillance, he or she must submit an affidavit to a United States district court judge containing specific facts establishing probable cause to believe that the subjects of the electronic surveillance are committing certain specified offenses and that it is likely that relevant evidence of such crimes will be obtained by the electronic surveillance.<sup>5</sup> Thus, the government must receive the approval of a neutral independent judge to be authorized to conduct electronic surveillance. Additionally, before electronic surveillance is permissible, the government must establish probable cause to believe that other investigative techniques have been tried and failed to obtain the sought evidence, or establish why other investigative techniques appear to be unlikely to succeed if tried, or establish why other techniques would be too dangerous to try.

**AT: No Link – Drug Surveillance Fails to Curb Cartel Power**

[ ]

[ ] **Drugs surveillance by the DEA reduces the power of drug cartels—special operations create a database of information that allow officials to coordinate and successfully capture crime leaders .**

**Cooke, Reporter, 2013**

(Kristina, DEA Special Operations Division (SOD) Covers Up Surveillance Used To Investigate Americans: Report, Huffington Post, [http://www.huffingtonpost.com/2013/08/05/dea-surveillance-cover-up\\_n\\_3706207.html](http://www.huffingtonpost.com/2013/08/05/dea-surveillance-cover-up_n_3706207.html))

The SOD's role providing information to agents isn't itself a secret. It is briefly mentioned by the DEA in budget documents, albeit without any reference to how that information is used or represented when cases go to court. **The DEA has long publicly touted the SOD's role in multi-jurisdictional and international investigations,** connecting agents in separate cities who may be unwittingly investigating the same target and making sure undercover agents don't accidentally try to arrest each other. SOD'S BIG SUCCESSES **The unit also played a major role in a 2008 DEA sting in Thailand against Russian arms dealer** Viktor Bout; he was sentenced in 2011 to 25 years in prison on charges of conspiring to sell weapons to the Colombian rebel group FARC. **The SOD also recently coordinated Project Synergy, a crackdown against manufacturers, wholesalers and retailers of synthetic designer drugs** that spanned 35 states and resulted in 227 arrests. Since its inception, the SOD's mandate has expanded to include narco-terrorism, organized crime and gangs. A DEA spokesman declined to comment on the unit's annual budget. A recent LinkedIn posting on the personal page of a senior SOD official estimated it to be \$125 million. **Today, the SOD offers** at least three services to federal, state and local law enforcement agents: coordinating international investigations such as the Bout case; distributing tips from overseas NSA intercepts, informants, foreign law enforcement partners and domestic wiretaps; and circulating tips from **a massive database known as DICE.** The DICE database contains about 1 billion records, the senior DEA officials said. **The majority of the records consist of phone log and Internet data gathered legally by the DEA** through subpoenas, arrests and search warrants nationwide. Records are kept for about a year and then purged, the DEA officials said. About 10,000 federal, state and local law enforcement agents have access to the DICE database, records show. They can query it to try to link otherwise disparate clues. Recently, one of the DEA officials said, DICE linked a man who tried to smuggle \$100,000 over the U.S. southwest border to a major drug case on the East Coast. **"We use it to connect the dots," the official said. "AN AMAZING TOOL"**

**AT: Link Turn – War on Drugs Causes Cartel Violence**

[ ]

[ ]The WOD is key to deter Drug Cartels in Mexico. They are working with external terrorists.

**Rosenthal, 2013**

(Terence, political consultant and contributor at the Center for Security Policy, July 10, “Los Zetas and Hezbollah, a Deadly Alliance of Terror and Vice”,

<http://www.centerforsecuritypolicy.org/2013/07/10/los-zetas-and-hezbollah-a-deadly-alliance-of-terror-and-vice/>)

**Hezbollah has training bases and sleeper cells in Mexico and South America.** They also assist drug cartels with skills in bomb-making and explosives. **Hezbollah** has also **created tunnels on the American border that are extremely similar to those dividing Gaza and Egypt. These tunnels are perfect for the transport of illegal conventional and biological weapons to contacts in the United States.** Weaponry created by Hezbollah is capable of killing hundreds of thousands of people in major U.S. cities. Former Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega believes that **an attack on U.S. personnel installations by Hezbollah is possible.** It is known that they have expanded from their operations in Paraguay, Brazil and Argentina, and are gaining ground in Central America and Mexico. **The relationship between Hezbollah and Los Zetas has almost touched down on American soil.** Los Zetas was to be paid to bomb the Israeli Embassy in Washington, and the Saudi and Israeli embassy in Argentina. **Why is the combination of well-connected drug dealers, terrorist organizations like Hezbollah, and the Zetas such a dangerous combination? It is a money laundering operation that has the power to supersede local government, weaken communities, and make people subject to criminal tyranny. It is highly possible that this threat could become a reality in the United States.**

## AT: Link Turn – Plan Reduces US Capacity

[ ]

[ ] The war on drugs may not be perfect, but it has been successful – it has decreased drug demand and crime and its contribution to prison population and racial violence is declining.

Lane, member of the Council on Foreign Relations, 2014

(Charles, Master of Studies in Law from Yale Law School, has taught Journalism as Georgetown University, Feb 19<sup>th</sup>, Drug legalization claims are cloudy, Washington Post, [http://www.washingtonpost.com/opinions/charles-lane-drug-legalization-claims-are-cloudy/2014/02/19/fd577128-98cf-11e3-b931-0204122c514b\\_story.html](http://www.washingtonpost.com/opinions/charles-lane-drug-legalization-claims-are-cloudy/2014/02/19/fd577128-98cf-11e3-b931-0204122c514b_story.html))

But the data do make one thing clear: If the goal of the war on drugs is to limit demand for drugs, then you can't say the authorities are losing. According to federally sponsored surveys that track drug usage, the rate of current-month powder and crack cocaine use dropped by half in the past 10 years. Meth use fell by a third; heroin use has remained flat. True, marijuana use rose slightly overall — but it fell among 12- to 17-year-olds, a result that even legalizers should applaud since they generally don't favor allowing minors to smoke. Meanwhile, even as drug prohibition continued, violent crime and property crime fell, dramatically. Not only did the number of murders in the United States decrease from 24,703 in 1991 to 14,612 in 2011 but drug-related murders declined from 1,607 to 505, according to Justice Department statistics. Some 6.5 percent of murders were related to drugs in 1991, but only 3.4 percent were in 2011. The drug arrest rate fell from 142.1 per 100,000 in 1991 to 97.8 per 100,000 in 2011. Yes, blacks were still 3.9 times more likely to be busted for drugs than whites in 2011 — but that ratio was down nearly 50 percent from the one recorded 20 years earlier. Marijuana arrests account for a bigger share of drug arrests these days, 44.3 percent in 2011 vs. 22.4 percent in 1991. But when you compare marijuana arrests to actual days of marijuana usage — busts per toke, so to speak — the story's different. By this measure, "enforcement intensity" fell 42 percent between 2007 and 2012, according to drug-policy expert Keith Humphreys of Stanford University. Some "war." It's a myth that prisons are full of low-level pot smokers. Less than 1 percent of the state and federal prison population is doing time for pot possession alone; most of these prisoners are dealers who pleaded guilty to possession in return for a lesser sentence, according to the 2012 study "Marijuana Legalization: What Everyone Needs to Know," published by Oxford University Press.

**AT: Alternative Causality – Poverty Causes Drug Cartel Violence**

[ ]

[ ] **Drug cartel violence is a war on the poor. It hurts their living conditions and creates crises for them even in times of economic growth**

**UNCTAD**, United Nations Conference on Trade and Development, **2013**

(Intergovernmental Group of Experts on Competition Law and Policy, The impact of cartels on the poor, [http://unctad.org/meetings/en/SessionalDocuments/ciclpd24rev1\\_en.pdf](http://unctad.org/meetings/en/SessionalDocuments/ciclpd24rev1_en.pdf))

7. In addition to seller cartels, buyer cartels could also have a detrimental effect, especially on poor farmers. Buyer **cartels are observed in major commodity products**, such as coffee, cotton, tea, tobacco and milk **on which a number of small farmers and many developing countries heavily depend as a major source of revenue**.<sup>1</sup> In the cocoa market, nearly 90 per cent of the global cocoa production in the late 1990s came from smallholder farmers.<sup>2</sup> **These commodity markets are exposed to cartelization by buyers due to insufficient negotiating power of smallholder farmers** vis-à-vis the small number of buyers, normally large transnational corporations. Considering that **70 per cent of the developing world's 1.4 billion extremely poor people live in rural areas, buyer cartels or abuse of market power by large transnational agribusinesses in these commodity sectors would have a direct impoverishing impact on the rural poor** as well as the producer countries. 8. **Cartels** could **produce more detrimental effects on the poor at times of economic recession** or crisis. During economic crisis, **the poor are hit hardest** and SMEs are more vulnerable to economic downturn **and less likely to survive the economic crises. Low income households tend to be the first ones to lose jobs. Higher prices caused by cartels add to the drastic fall** in income, thereby forcing the poor to hardship. As an example, **the Mexico tortilla crisis**, initially caused by external factors, not only hit the poorest but also **drew poor tortilla makers out of the market**. The situation deteriorated when large tortilla producers benefited from the crisis and engaged in hoarding to push prices up even further.<sup>4</sup> **Even at times of economic boom, cartels in fuel or basic food markets could trigger crisis for the poor.** Amartya Sen argues that famine might occur not only from lack of food but from inequalities built into food distribution mechanisms. He has used the example of the Bengal famine of 1943, which, he argued, was caused by an urban economic boom that increased food prices, thereby causing the death of millions of rural workers from starvation when their wages did not keep up.

## AT: Impact Turn – Drug Cartels Help Economy

[ ]

[ ] Drug cartels do not help the Mexican economy—they plunged Mexico further into crisis during the recession and scare off legitimate sources of economic growth.

**Emmott**, Senior Correspondent for Reuters, 2009

(Robin, April 3<sup>rd</sup>, Drug war hits Mexican economy in crisis,

<http://www.reuters.com/article/2009/04/03/us-mexico-drugs-economy-analysis-idUSTRE5325PG20090403>)

**"The issue of security has effected economic growth in Mexico,"** Finance Minister Agustin Carstens said recently. **"If we could resolve this issue it could give the economy an extra shine of at least 1 percent,"** he said. **Central bank Governor Guillermo Ortiz blamed the peso's fall to a 16-year low** against the dollar last month on investor alarm even as the Mexican and U.S. governments and international economists insist Mexico is far from becoming a failed state. "Evidently **the insecurity has had an impact on investors' behavior,**" Ortiz told a recent banking conference. **Mexico's government says the economy will shrink 2.8 percent this year, tumbling into recession on a sharp drop in U.S. demand for Mexican exports.** Many economists say **the slump could be even more dramatic. The turf war between Mexican drug cartels has become the biggest test** facing President Felipe Calderon, a strong-willed conservative who took power in late 2006. U.S. President Barack Obama will visit Mexico this month, and is sending high-tech gear and hundreds more agents to the border to fight the smuggling of drugs, weapons and cash. In Mexico's border states, **where violence has been the most intense, business people say that on top of a collapse in exports to the United States and falling domestic sales, some are forced to pay protection money to gangs. "They demand that you pay into a bank account or they'll kill you,"** said a bar owner in the northern city of Monterrey who gave his name only as Emmanuel. **"Aside from the fear, it's an economic blow, its like paying taxes twice." Others say some foreign firms are putting off investments as they see Mexico as too unsafe.**

# **Cartels Disadvantage Affirmative**



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## **Summary**

The Cartels Disadvantage Affirmative position directly responds to the negative evidence brought against the passage of the plan and shows that the passage of the plan will not result in the disadvantages that the Negative team suggests. The Affirmative evidence contends that increases in drug violence are inevitable and thus, passing the plan will not have a considerable impact on the amount or effects of drug violence. Furthermore, the Affirmative evidence contends that there are not clear connections between surveillance and decreased crime or a weakened drug trade. In fact, evidence shows that if there is a connection between surveillance and the drug trade, it is that minorities are disproportionately targeted by drug-trade-related law enforcement surveillance.

The Affirmative position further argues that current regulations and practices are ineffective within the War on Drugs. It argues that changes in approach are needed to reduce violence and provide policy alternatives to the problems the War on Drugs is failing to solve. Lastly, the Affirmative position suggests that the Negative argument is misguided in its understanding of cause and effect in the impacts of the War on Drugs. Specifically, evidence shows that poverty leads to drug violence, and that drug violence is not the root cause of poverty as the Negative team suggests. Evidence also shows that drug cartels have significantly affected the Mexican economy and may have even kept the country's economy afloat during the recession.

## **Glossary**

**Border Patrol** – the Department of Homeland Security agency that attempts to prevent the entry of undocumented immigrants and other persons on the border

**Cartel**—an organization created to regulate the supply of a good with the goal of limiting competition

**Drug Cartel**—a criminal organization that primarily participates in illegal drug markets but may also engage in human smuggling, kidnapping, oil theft and other crimes. Examples include Los Zetas and the Sinaloa Cartel

**Drug Enforcement Administration (DEA)** – the US agency tasked with solving drug trafficking  
**Counter-Narcotics**—measures used to combat drug trafficking

**Drug Trafficking**—The illegal trade of drugs

**Drug War/War on Drugs** – the term referring to a set of strategies Mexico and the United States currently use to fight drug cartels. These strategies tend to be militaristic, including military aid and the capture of cartel members

**Enrique Peña Nieto**—the current President of Mexico

**Force Multiplier** – something that significantly increases the potential of an action or policy

**Hegemony**—political, economic, and or military dominance

**ICE** – U.S. Immigration and Customs Enforcement, a federal agency tasked with immigration policy

**Insurgency**—violent rebellion against government authority

**ISIS surveillance** – in this file, ISIS surveillance refers to a surveillance system, not the Islamic State of Iraq and Syria

**Kingpin** – the leader of a crime organization

**Oil Shock** –a fast and significant change in the oil market

**RGV** – the Rio Grande Valley, an area monitored by the Border Patrol

**SOD** – Special Operations Division, a part of the Drug Enforcement Agency that does covert information gathering primarily surrounding drug trafficking

**Trafficking**—the illegal trade of something

**Transnational** – in more than one country

**Non-Unique – Drug Violence Increasing Now**

[ ]

[ ] **Increases in drug violence are unprecedented—the disadvantage impacts are inevitable.**

**Wilkinson, Reporter, 2015**

(Tracy, May 6<sup>th</sup>, Mexico drug violence intensifies as elections approach, LA Times, <http://www.latimes.com/world/mexico-americas/la-fg-mexico-elections-violence-20150507-story.html>)

The government of President Enrique Peña **Nieto has killed or captured major drug lords** in its 2 1/2 years in office, including the most-wanted fugitive Joaquin "El Chapo" Guzman, detained last year, and Servando "La Tuta" Gomez, head of Michoacan state's notorious gang operations, caught this year. **But those victories have given way to other organizations that have grown in the void. With the fracturing of the Sinaloa and Zeta cartels, the country's most prominent, the New Generation of Jalisco quietly moved into preeminence,** taking advantage of Jalisco state's geographical advantage on the west coast and its position as a business and industrial hub. The group is believed to be behind the downing of the military helicopter. **The New Generation of Jalisco "is a criminal group with very significant firepower,"** said Monte Alejandro Rubido, national security commissioner. "This undoubtedly has a very special connotation." **It is rare for drug cartels to confront the military head-on,** and army commanders were furious about the attack. **It is also virtually unheard of that cartels would use arms the level of rocket-propelled grenades. "The magnitude of the attacks was spectacular,"** security expert Eduardo Guerrero said in El Financiero newspaper, noting they came as the government launched Operation Jalisco, designed to rein in the traffickers. It is now likely that the military will launch a full-scale offensive against the Jalisco gangsters. **"A very difficult time approaches** in Jalisco," Alejandro Hope, a former intelligence analyst, wrote in El Universal newspaper.

**No Link – Surveillance Fails to Solve Crime**

[ ]

**[ ] Studies prove that surveillance fails to solve crime.****Sheinin, Professor of International Law and Human Rights, 2014**

(Martin, Professor of International Law and Human Rights at the European University Institute, October 14<sup>th</sup>, EU-Funded Study: Electronic Mass Surveillance Fails – Drastically, Just Security, A Security Analysis Website that is Supported by Open Society Foundations, Atlantic Philanthropies, and New York University School of Law, <http://justsecurity.org/16336/eu-funded-study-electronic-mass-surveillance-fails-drastically/>)

Electronic **mass surveillance** – including the mass trawling of both metadata and content **by the US National Security Agency – fails drastically in striking the correct balance between security and privacy** that American officials and other proponents of surveillance insist they are maintaining. We arrived at this conclusion by subjecting a wide-range of surveillance technologies to three separate assessments by three parallel expert teams representing engineers, ethicists, and lawyers. Each team conducted assessments of surveillance technologies, looking at ethical issues they raise; the legal constraints on their use – or those that should exist – on the basis of privacy and other fundamental rights; and, finally, their technical usability and cost-efficiency. This work was fed into and commented upon by two end-user panels, one consisting of law enforcement officials and the other of representatives of cities and municipalities. **Various surveillance techniques and technologies were assessed during a scenario that simulated real-life experiences where surveillance has been used.** The results of this research were published in the SURVEILLE paper, Assessing Surveillance in the Context of Preventing a Terrorist Act, available here. **Our research found that electronic mass surveillance performed poorly in terms of practical usability,** ethical grounds, and the protection of privacy rights, whereas traditional (non-technological) surveillance or strictly targeted electronic surveillance might have a chance to strike a “balance.” The novelty in our work is demonstrating this through semi-quantification and numerical scores. Electronic mass surveillance technologies were assessed in a terrorism prevention scenario in which six different surveillance methods were used to try to detect a terrorist act that was possibly in preparation. Several of the six **surveillance techniques assessed were closely modeled on the basis of what we know about NSA surveillance from Edward Snowden’s revelations and other sources.** The scenario started with the splitting of a submarine fiber-optic communications cable arriving in a country, to collect all data passing through it, with separate retention rules for content and metadata. This mass data was then searched with Phantom Viewer software. Through that process, a select group of targets was identified and their communications subjected to a social network analysis to identify their contacts and to assess (by humans) which individuals may be actual suspects in an evolving terrorist plot. At this point, our scenario narrowed its focus to one suspected individual. The authorities then used non-technological surveillance methods against him, namely the opening of his luggage in search of components of explosives and direct observation of the suspect by a surveillance team. The team also installed Finspy technology on Internet café computers likely to be used by the suspect in order to conduct real-time targeted surveillance upon all of his online activities.

**No Link – Drug Surveillance Fails to Curb Cartel Power**

[ ]

**[ ] War on Drugs surveillance has not weakened the Drug Trade—it targets minorities and has unfairly spiked the prison populations – all while drug cartels remain in power.**

**Shapiro, JD from Georgetown University Law Center, 2013**

(Gary, CEO of the Consumer Electronics Association, Nov 4<sup>th</sup>, DRUG WARS AND DEFICITS, The American Spectator, <http://spectator.org/articles/56315/drug-wars-and-deficits>)

Government surveillance is a heated topic right now, following revelations earlier this year that the National Security Administration (NSA) collects massive amounts of data on private citizens. The main difference is that the NSA collects data for national security purposes, especially counterterrorism efforts; **the DEA's surveillance is** meant specifically to fight domestic crimes. All of this flies in the face of our constitutional rights to due process and to privacy. More, it's **not even effective. Despite all the best efforts of the DEA** and other law enforcement officials, **the war on drugs has turned out to be a \$1 trillion failure.** Yet we are pouring more money into it every year — in 2013 alone, the White House requested \$25.6 billion to keep the fight going — and to allow the DEA to treat us all like criminals. **One of the most devastating results of the war on drugs has been a massive increase in our prison population. In 1980, about 50,000 people were in jail for non-violent, drug-related offenses. Today, more than 500,000 prisoners are serving sentences for drug-related crimes.** The United States has a prison population of 2.2 million people, more than any other nation in the world — or one in four of the world's prison population. **Incarcerations aren't solving our problems, and they're costing taxpayers.** In 2011 alone, housing all these prisoners cost the U.S. \$52 billion. Thankfully, some relief from harsh drug laws may come from bipartisan legislation now in both houses of Congress which gives judges flexibility to depart from mandatory minimum sentences for drug-related offenses. **More, the war on drugs unfairly targets the poor and minorities, especially African Americans, even though they don't use drugs any more than any other demographic.** Black Americans are arrested as much as 10 times more often than white people for drug offenses. **They account for 37 percent of drug arrests, even though they represent only 14 percent of regular drug users.** Rather than developing programs and methods to help people struggling with addiction, the war on drugs has abandoned far too many people to a life of violence and fear. **Meanwhile, the global drug trade continues to thrive.** Drugs are cheaper, more accessible and of better quality today than they were 42 years ago when the war on drugs began. **The drug trade is worth an estimated \$350 billion per year. Government efforts to fight drugs have simply fueled the business by driving black market prices and drawing in unscrupulous people eager to make money.**

[\_\_\_] Current War on Drugs approaches have not weakened the drug trade—comprehensive, international studies show that supply has not been reduced and the price of drugs has only become cheaper.

**Science Daily**, Science Research News Source, 2013

(Science Daily, using material from a report published by the British Medical Journal, Sept 30th, International 'war' on illegal drugs failing to curb supply, <http://www.sciencedaily.com/releases/2013/09/130930200708.htm>)

**The United Nations recently estimated that the illicit drug trade is worth at least US \$350 billion every year.** And needle sharing is one of the key drivers of blood borne infections, including HIV. The drug trade is also linked to high rates of violence. **Over the past several decades most national drug control strategies have focused on law enforcement to curb supply,** despite calls to explore approaches, such as decriminalization and strict legal regulation. The **researchers analysed data from seven international government-funded drug surveillance systems, which had at least 10 years of information** on the price and purity of cannabis, cocaine and opiates, including heroin. **They also reviewed the number of seizures of illegal drugs** in drug production regions and rates of consumption in markets where demand for illegal drugs is high. Three of the seven surveillance systems reported on international data; three reported on US data; and one reported on data from Australia. In some cases the data went back as far as 1975, with the most recent data going back to 2001. **Three major trends emerged** from the data analysis: **the purity/potency of illegal drugs either generally remained stable or increased** between 1990 and 2010; with few exceptions, **the street price generally fell; and seizures of drugs increased in both the countries of major supply and demand.** In the US, after adjusting for inflation and purity, the average street price of heroin, cocaine and cannabis fell by 81%, 80%, and 86%, respectively, whereas the purity and/or potency of these drugs increased by 60%, 11%, and 161%, respectively. Similar trends were observed in Europe where, during the same period, the average price of opiates and cocaine, adjusted for inflation and purity, decreased by 74% and 51%, respectively, and in Australia, where the price of cocaine fell by 14% and the price of heroin and cannabis dropped by 49%. In the US seizures of cocaine roughly halved between 1990 and 2010, but those of cannabis and heroin rose by 465% and 29%, respectively; in Europe seizures of cocaine and cannabis fluctuated, but seizures of heroin had risen 380% by 2009. **On the basis of the data, the authors conclude, as previous studies have, "that the global supply of illicit drugs has likely not been reduced in the previous two decades."**

## Link Turn – War on Drugs Causes Cartel Violence

[ ]

[ ] Cartel violence is only increasing—departure from current strategies is needed.

**Bender, Reporter, 2015**(Jeremy, Reporter, May 14<sup>th</sup>, Mexico's drug war is getting even worse, Business Insider, <http://www.businessinsider.com/mexicos-drug-war-is-taking-worse-turn-2015-5>)

**Despite eight years of violence** spanning two Mexican presidential administrations, **the country's drug war has continued with few signs that Mexico's drug cartels are waning in power.**

Formally launched in December 2006 by former President Felipe Calderon and then continued under his successor, Enrique Pena Nieto, the drug war struck a series of high profile blows against Mexican cartels. At the same time, it triggered nationwide violence without coming anywhere close to defeating the country's drug traffickers. **Now, it's getting even worse.** High-profile captures — but a worrying shifting cartel tactics **Most recently, Omar Treviño Morales, the head of the notorious Zetas cartel, was arrested** in March. Morales' arrest came within a week of the capture of Servando "La Tuta" Gomez, the head of the Knights Templar cartel and Mexico's most-wanted drug lord. **But this "kingpin strategy" of targeting the heads of cartels has done little to quell the violence and bring security to Mexico. At least 60,000 people are believed to have died** between 2006 and 2012 as a result of the drug war as cartels, vigilante groups, and the Mexican army and police have battled each other. **The ongoing takedown of top-level drug lords has also contributed to the fragmentation of the cartels, leading to the emergence and growth of new, even more militaristic groups — some of which have started to directly target the Mexican military.** The latest threat to emerge in Mexico is the Jalisco New Generation Drug Cartel (CJNG). Most drug traffickers do not have an explicitly anti-government stance — they're criminal paramilitaries, not insurgent groups. But CJNG has proven willing to directly engage the Mexican military and police **in brazen pitched battles, sometimes in broad daylight.** On May 1, the CJNG carried out attacks in Guadalajara after federal authorities staged an operation against the cartel's leader, Nemesio Oseguera. During the assault, the CJNG carried out arson attacks in two dozen other cities around Mexico, set up roadblocks, and downed a military helicopter with a rocket-propelled grenade, according to the AP. That incident was just the latest in a string of attacks against Mexican security forces. On April 7, the cartel ambushed a convoy of elite state police security officers en route to Guadalajara. Fifteen police officers were killed in the assault and a further five were wounded.



## Link Turn – Plan Reduces US Capacity

[ ]

[ ] Violence is a result of the US practices, not of the cartels. The plan is good because it slows down US capacity to participate in policies like the War on Drugs.

## Gwynne, 2012

(Kristen, Sept. 26th, Mexican Drug War victims: US is responsible, Salon,  
[http://www.salon.com/2012/09/26/mexican\\_drug\\_war\\_victims\\_us\\_is\\_responsible/](http://www.salon.com/2012/09/26/mexican_drug_war_victims_us_is_responsible/))

The US backs, and even trains, Mexico's military, despite allegations of human rights abuses. Eliana Garcia, a former political prisoner turned Mexican congresswoman who is an adviser to Mexican politicians, says the most deadly Mexican military force is the navy, and she is quick to note its training by US Navy SEALs. "The US military are not [committing crimes] directly or openly," said Garcia, adding that US influence goes beyond training and funding. Garcia says there is a widespread understanding, but no solid proof, that US forces dress and/or operate as Mexican military. "For instance, [this summer], two agents of the CIA were driving to a navy installation. Nobody knows what they were doing and then suddenly they were ambushed by policia federales," said Garcia. US authorities confirmed that the two men ambushed by Mexican police were part of the CIA. "They were injured and then immediately they disappeared from Mexico. We don't know their names. We know they were CIA agents, but what they were doing, why they were going to the navy base... We don't know anything," Garcia said. Garcia says the drug war is an example of America imposing its "security agenda" to operate navy bases not just in Mexico, but El Salvador and Colombia. **The United States spends almost \$500 million a year funding Mexico's war against cartels** that sell drugs to American consumers. As the US continues to consume drugs despite attempts at prohibition, unimaginable horror multiplies in Mexico. US and Mexican forces battle against the heavily armed cartels, which are so powerful they have been labeled an insurgency by US State Department officials and journalists alike. **While authorities claim to target only drug traffickers, Mexicans say the war has only made the cartels more violent and the state authorities more corrupt. The result is that innocent bystanders are often caught up in the violence, with little or no access to justice. The victims speak now through the voices of their survivors.** Family members seek answers from locals, whether they are incarcerated cartel members or private investigators, to understand their loved ones' last minutes. **And as they seek justice for the people responsible** for their loved ones' deaths, **their quest reaches beyond the murderers and across borders, up to the US and Mexican governments. Their government no longer represents their best interests,** nor does its rhetoric reflect the reality of innocence lost. Thus, they have come to the United States to create, as one mother called it, "some citizen diplomacy," and stand up for the victims.

**Alternative Causality – Poverty Causes Drug Cartel Violence**

[ ]

**[ ] Poverty causes drug cartel violence, not the other way around – poor youth are recruited into the drug trade because of a lack of other employment opportunities.**

**Ramsey**, Washington Office on Latin America's Digital Communications Officer, **2011**  
(Geoffrey, former researcher for the Open Society Foundation's Latin America Program, Masters Degree in International Affairs, July 20<sup>th</sup>, Poverty a Recruitment Tool for Mexico's Criminal Gangs, InSight Crime, <http://www.insightcrime.org/news-analysis/poverty-a-recruitment-tool-for-mexicos-criminal-gangs>.)

While there are several likely explanations for this phenomenon, **most analysts agree that Mexico's abysmal youth unemployment rate is a major contributing factor.** As Victor Clark-Alfaro, director of the Binational Center for Human Rights in Tijuana, recently told Reuters, **organized crime has become a "job provider" for those in the country with little alternative means of employment.** According to Clark-Alfaro, **"Since 2000, the age at which people start getting mixed up in organized crime has fallen, and in the last few years, the age has dropped to about 17 or 18."** Recently, Mexico's Assistant Secretary of Education Rodolfo Tuiran claimed that there are an estimated 7.3 million Mexicans between the ages of 12 and 29 who are unemployed and are not in school, which amounts to more than 20 percent of the country's youth population. Despite the fact that these "ni-nis" (so labeled because they neither study or work, "ni estudian ni trabajan") are widely dismissed as simply lazy by many in Mexico, evidence suggests that **this trend is due to a serious lack of investment in social programs at the state level.** Diana Carbajosa Martínez, a researcher at the National Autonomous University of Mexico's (Universidad Nacional Autonomo de Mexico) Research Institute on Universities and Education, told El Universal that **only five states offer social programs specifically targeting this issue:** Chihuahua, Baja California, Tlaxcala, Guerrero and Hidalgo. Meanwhile, the two states with the highest numbers of jobless youths are Chiapas and Michoacan, and the complete lack of such programs there puts youth unemployment at more than 25 percent. As InSight Crime has reported, **Mexican President Felipe Calderon has been repeatedly criticized for his security strategy, which many believe prioritizes capturing and killing cartel leaders, known as "high value targets." Instead, these critics, who have largely joined under the banner of Mexico's "peace movement," argue for a more comprehensive approach to Mexico's security crisis, with an emphasis on the socioeconomic factors which influence crime.** This argument has largely fallen on deaf ears, as Calderon and others have pointed out that addressing poverty and inequality will do nothing to impact the illicit narcotics industry, which is estimated to rake in around \$40 billion a year. While this may be true, it is difficult to make the case that Calderon's strategy has actually resulted in increased security in the country, considering that killings related to organized crime are up by 16 percent this year.

## Impact Turn – Drug Cartels Help Economy

[ ]

[ ] Drug cartels help the economy, not hurt it – they provide Mexico with huge amounts of spending and employment.

**Hazard**, program manager at One Acre Fund, **2008**

(Leah, former Marketing Officer for Mercy Corps, experienced background in Economics, Sept. 8<sup>th</sup>, MEXICO'S WAR ON DRUGS: A WAR ON THE ECONOMY?, Global Envision, <http://www.globalenvision.org/2008/09/08/mexicos-war-drugs-war-economy>)

Mexican President Felipe **Calderon's war on drugs targets the drug cartels that constitute a large portion of Mexico's economy. Drug trafficking is an estimated US\$50 billion a year business there.** In fact, **one study reported that the loss of the drug business would shrink Mexico's economy by 63 percent.** These statistics seem to beg the question: Can Mexico eliminate its drug trade without inflicting too much damage on its own economy? The drug war's economic impact isn't necessarily positive, either. The Mexican government estimates that the jump in violence resulting from its crackdown on drugs has taken a percentage point off the country's economic growth. Costs for Mexican businesses, who need increased security, have increased by 5 to 10 percent. But the cost in human lives is readily apparent. Earlier this year, for example, two children and a police officer's wife were murdered as Tijuana schools and neighborhoods were evacuated in the search of a drug-cartel official. The murders came in retaliation for the arrest of other cartel members days before. In August, gunmen killed 13 people — including a baby — when they opened fire in a dance hall. And kidnappings are now commonplace. Mexico's drug war has resulted in over 4,000 drug-related deaths since 2006, including Mexico City's federal police chief and 400 other police officers. Last weekend tens of thousands of Mexicans gathered to protest the bloodshed. But **despite the violence, residents of Badiraguato, considered the heart of the drug trade, told Newsweek they don't want trafficking to end. "The drug traffickers do good things here. They employ people. There's no corn, no beans here** — the people here are all about drugs," said 22-year-old José de Jesús Landell García, who co-owns a shoe shop with his father. He added that **most of his friends took up employment with the drug cartels "because it was the only thing they could do."**

[\_\_\_] Drug cartels help the Mexican economy—the financial cushion their money provides is the only thing that kept Mexico afloat during the recession.

Lange, Journalist for Reuters, 2010

(Jason, Jan 22<sup>nd</sup>, From spas to banks, Mexico economy rides on drugs,

<http://www.reuters.com/article/2010/01/22/us-drugs-mexico-economy-idUSTRE60L0X120100122>)

**Much of the cartels' profits eventually ends up in Mexico's banking system**, the U.S. official said. **During the global financial crisis** last year, **those assets provided valuable liquidity, says economist Guillermo Ibarra of the Autonomous University of Sinaloa. "They had a cushion from drug trafficking money that to a certain extent helped the banks,"** Ibarra said. Indeed, drug money in banks is a global phenomenon, not just in Mexico. A United Nations report on the global drug trade in 2009 said that "at a time of major bank failures, money doesn't smell, bankers seem to believe." Drug gangs in Mexico have their associates make thousands of tiny deposits in their bank accounts to avoid raising suspicion from banking authorities, a practice known as "smurfing," said the U.S. official. Mexico's banking association and the finance ministry's anti-money laundering unit declined to comment for this story. **While Mexico is confiscating more drugs and assets than ever under President Felipe Calderon, forfeitures of money are still minuscule compared to even low-ball estimates of the amount of drug money that flows into Mexico.**

# **Legalization Counterplan**

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## **Summary**

This counterplan is a policy option that tries to remove the legal framework to imprison drug users (the majority of citizens in prison for drug-related offenses). If all drugs were legal and regulated, then there would be no reason to keep these 'offenders' in jail. Thus, the only people who would remain in jail are the violent perpetrators, the traffickers who maimed and murdered in order to make a profit off of selling drugs. The Negative team argues that this would solve the destruction of Black communities without having to lower our surveillance of violent offenders.

One key distinction between this counterplan and the Affirmative is the level on which it operates. While the Affirmative calls on the judge to act as a private citizen-advocate, the counterplan calls on the judge to act as the embodiment of the federal government. The focus of the debate will then shift towards the key question in this debate: Are reforms able to solve these ills, or is the shifting of entire social ideologies necessary?

## Glossary

**Black Market** – A market in which goods or services are traded illegally.

**Decriminalization** – The abolition of criminal penalties in relation to certain acts, perhaps retroactively, though perhaps regulated permits or fines might still apply.

**Drug Cartel** – Any criminal organization developed with the primary purpose of promoting and controlling drug trafficking operations.

**Drug Trafficking** – The transportation, trade, and sale of illegal narcotics.

**DTO (Drug Trafficking Organization)** – See Drug Cartel.

**Economies of Scale** – The cost advantages that enterprises obtain due to size, output, or scale of operation, with cost per unit of output generally decreasing with increasing scale as fixed costs are spread out over more units of output.

**Grey Market** – The trade of a commodity through distribution channels which are legal but are unofficial, unauthorized, or unintended by the original manufacturer.

**Narcotics** – Traditionally defined as any drug with sleep-inducing properties, now used generally to describe all illegal drugs.

**Prohibitionism** – A legal philosophy and political theory which holds that citizens will abstain from actions if the actions are made illegal and the laws are enforced by law enforcement.

**Revenue** – Income that a business receives from its business activities, usually from the sale of goods and services to customers.



1NC Shell (1/2)

Counterplan: The United States federal government should legalize scheduled narcotics.

1. The Counterplan has the following net benefits: \_\_\_\_\_.

2. The Counterplan solves – Legalizing narcotics removes the obstacles the plan identifies as the major structural barriers.

**Dickson, 2011**

(CAITLIN DICKSON. "Will Legalizing Drugs Solve Our Race Problems?" *The Atlantic Wire*. N.p., 6 Jan. 2011. Web. 20 July 2013. <<http://www.theatlanticwire.com/national/2011/01/will-legalizing-drugs-solve-our-race-problems/18065/>>.)

Could legalizing drugs really be the solution to the problems plaguing black America? According to John McWhorter, it could. In a New Year's Eve piece at *The New Republic*, McWhorter pushes for the United States to heed former English drug official Bob Ainsworth's recent proposal for the legalization of all drugs. McWhorter's argument is simple: **if all drugs are made available and sold at a low price at CVS or Walgreens, the sale of drugs on the street would become obsolete,** forcing, specifically, young black males who would normally choose to make money dealing to complete high school and get legitimate jobs. "That is neither an exaggeration nor an oversimplification," insists McWhorter, who shoots down the argument that "this could only happen with low-skill factory jobs available a bus ride away from all black neighborhoods ... Too many people of all colors of modest education manage to get by without taking a time machine to the 1940s, and after the War on Drugs black men would be no exception." **McWhorter paints an optimistic picture of a new black community wherein young black men are "much less likely to wind up in prison cells or caskets,** would be a constant presence--and thus stay in the lives of their children." Black boys would not see "drug-addicted ex-cons" as the norm, he predicts. "And something else these boys would not grow up with is a bone-deep sense of the police--and thus whites--as an enemy. Because there would be no reason for the police to prowl through his neighborhood." McWhorter's immodest proposal for drug legalization as the cure-all for black poverty and, essentially, racism in America ("No more episodes like Henry Louis Gates supposing that an encounter with a policeman on his front porch might be about race...And no more books with titles like *Wrong Place, Wrong Time: Trauma and Violence in the Lives of Young Black Men* or *The New Jim Crow*") has received a variety of reactions. **Mostly, the general notion that the war on drugs should end is embraced,** but McWhorter's suggestion that the result will be a smooth and easy success, is questioned.

## 1NC Shell (2/2)

2. Total legalization is key to solve the root cause of violence and drug crime - otherwise corruption spreads to the US and causes instability. Solving in the US spills over.

**Carpenter, 2009**

(Vice president for defense and foreign policy studies at the Cato Institute, is the author of eight books, including *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America* (Ted Galen, "Troubled Neighbor: Mexico's Drug Violence Poses a Threat to the United States" February 2, 2009 Cato Institute, <http://www.cato.org/publications/policy-analysis/troubled-neighbor-mexicos-drug-violence-poses-threat-united-states>)

**The president of Argentina has endorsed the decriminalization of drug consumption, and the president of Honduras has gone even further, embracing the legalization of drug use.** 69 Indeed, that **sentiment seems to be growing in Mexico itself.** The PRD (Party of the Democratic Revolution), the country's largest opposition party, has called for drug legalization, and even President Calderón has proposed decriminalizing the possession of small amounts of street drugs. 70 Those proposals are modest steps in the right direction, and they certainly are more sensible than Washington's knee-jerk support for comprehensive prohibition. **Legalizing, or even decriminalizing, drug possession has the beneficial effect of not stigmatizing (and sometimes ruining) the lives of users.** And such reforms have the salutary effect of not filling prisons with nonviolent offenders. **But even those desirable reforms do not get to the root cause of the violence that accompanies the drug trade. Unless the production and sale of drugs is also legalized, the black-market premium will still exist and law-abiding businesses will still stay away from the trade.** In other words, **drug commerce will remain in the hands of criminal elements that do not shrink from engaging in bribery, intimidation, and murder.** Because of its proximity to the huge U.S. market, **Mexico will continue to be a cockpit for that drug-related violence.** By its domestic commitment to prohibition, the United States is creating the risk that **the drug cartels may become powerful enough to destabilize its southern neighbor.** Their impact on Mexico's government and society has already reached worrisome levels. Worst of all, **the carnage associated with the black market trade in drugs does not respect national boundaries.** The frightening **violence** now convulsing Mexico **could become a routine feature of life in American communities,** as the cartels begin to flex their muscles north of the border. When the United States and other countries ponder whether to persist in a strategy of drug prohibition, they need to consider all of the potential societal costs, both domestically and internationally. 71 Drug abuse is certainly a major public health problem, and its societal costs are considerable. But banning the drug trade creates economic distortions and an opportunity for some of the most unsavory elements to gain dominant positions. **Drug prohibition leads inevitably to an orgy of corruption and violence.** Those are even worse societal costs, and that reality is now becoming all too evident in Mexico. The only feasible strategy to counter the mounting turmoil in Mexico is to drastically reduce the potential revenue flows to the trafficking organizations. In other words, **the United States needs to de-fund the cartels through the legalization of currently illegal drugs. If Washington abandoned the prohibition model,** it is very likely that **other countries in the international community would do the same.**

**AT: No Solvency – Diverse Business Ventures**

[ ]

[ ] **Even if the Cartels can still get profits from other sources, legalizing marijuana would be a big blow and could significantly reduce violence.**

**McArdle**, a writer for the Atlantic, **2011**

(Megan, JUN 23, Legalizing Marijuana Could Save Thousands of Lives,

<http://www.theatlantic.com/business/archive/2011/06/legalizing-marijuana-could-save-thousands-of-lives/240905/>)

Like cartels, it's probably true that Apple has a lot of other activities that represent profit centers, and they would be unlikely to "close up shop" in the event of losing the iPhone market. But it is a far walk from here to concluding that their "power and influence" (or whatever the comparable measures are for a legal company, maybe market cap?) would not be severely weakened. I guess my question for Longmire is this: if a 60% decline in revenues wouldn't represent a significant blow to the power and influence of cartels, what percentage would? 70%? 90%? Another important way cartels are similar to Apple is that there likely economies of scope and scale for cartels. **A decrease in marijuana revenues will take away resources they were using to build their distribution networks and buy political and legal influence, both of which probably exhibit economies of scale and are inputs for cartels in the production of their other illicit goods. This means a decrease in marijuana revenue should raise costs and thus decrease profits in their other markets.** This is in the same way that if the iPhone went away it would hurt Apple's sales of it's computers and software, and generally diminish its brand. Longmire ends her piece by listing reasons why marijuana should be legalized: "We need to stop viewing casual users as criminals, and we need to treat addicts as people with health and emotional problems. Doing so would free up a significant amount of jail space, court time and law enforcement resources. What it won't do, though, is stop the violence in Mexico." Say the higher end estimate of marijuana revenues from the Rand corporation is correct, and legalizing would reduce cartel revenue by 26%, or that the 60% number is correct and they will make back an implausibly high 50% of their lost revenue in other activities. **This means something like a 30% decrease in lost revenues. If this leads to a proportional decrease in long-run drug related murders in Mexico, then based on the 15,273 drug related deaths in 2010, there would be 4,580 fewer deaths each year. That's a huge gain in welfare even if it falls short of the quixotic goal of "killing the cartels".** The end of alcohol prohibition in the U.S. did not mean an end to the mafia, but it did lead to a significant decline in murders and in their power. Longmire has not presented a convincing case that the same would not be true in Mexico.

**AT: No Solvency – Doesn't Address Demand**

[ ]

[ ] **Legalization is good. It decreases demand for drugs.****Stonebraker, 2013**

(Associate professor of economics at Winthrop University, former professor in the Department of Economics, Ph.D. degree in economics from Princeton University and a B.A. degree in economics from the University of Maryland (Robert J. Stonebraker "Supply-Side Drug Policy: Will it Ever Work?" The Joy of Economics: Making Sense out of Life Section II-C: Crime 06/04/13 <http://faculty.winthrop.edu/stonebrakerr/book/supplysidedrugs.htm>)

Legalization? A more radical approach is legalization. Although quite controversial, legalization does offer potential gains. Much of the current drug-related crime occurs as rival suppliers battle for turf and market share both within the U.S. and along supply routes throughout Central and South America and Asia. **In a legal market, suppliers are likely to enforce contracts by recourse to law rather than violence.** Moreover, **law enforcement officials,** free from having to chase down drug offenders, **could reallocate their time and efforts to reducing other types of criminal activity.** **Drug safety might also improve.** Retail stores that offer branded products meeting government-certified standards could replace back-alley vendors who offer drugs of unknown purity. **Legalization also might create financial benefits.** In addition to the potential tax revenues states might collect on the sale and use of controlled substances, **billions of dollars now being spent on drug enforcement and prisons could be saved.** **Legalization certainly would increase the supply of currently illegal substances and bring down prices. The interesting question is what might happen to demand.** Opponents are convinced that legalization would cause the demand for drugs to soar as hordes of new users "experiment." Since many of these might subsequently become addicted, the costs to society would quickly multiply. On the other hand, proponents contend that **quantities consumed will not rise significantly. Stripped of their illicit cloak, drugs would be less alluring to rebellious youth.** If so, **the demand for drugs might actually plummet.** And, **if we fear that lower prices will push usage up, governments can raise those prices by imposing appropriate taxes.** Moreover, alcohol can be a substitute for products such as marijuana or cocaine. If so, an increase in drug usage might create a similar decrease in the consumption of alcohol and its related costs. Since 2001, Portugal has used a novel, but related, approach. While possession and use of drugs remains officially illegal, they have been "decriminalized". The police can stop anyone they find using illegal substances and confiscate the drugs but, instead of imposing criminal penalties, they send the users to "dissuasion commissions" that offer therapy. There are no fines and no prison sentences. The initial results have been encouraging. Usage rates for most substances seem to have fallen or remained constant and, with the fear of prosecution removed, the numbers of users seeking treatment has risen significantly.<sup>9</sup> Similarly, Uruguay has much lower rates of drug usage than the U.S. despite the fact that possession of drugs for individual use in that country never has been illegal. Several other Latin American countries now are considering similar policies.<sup>10</sup> Although several U.S. states recently have moved to decriminalize marijuana, at least for medical purposes, the approach remains controversial.

## AT: No Solvency – Increases Consumption

[ ]

[ ] The War on Drugs gives people an incentive to use illegal substances—legalization solves.

**Brown, 2013**

(Josh Brown. "PolicyMic." *PolicyMic*. N.p., Oct. 2012. Web.

<http://www.policymic.com/articles/17071/ron-paul-is-right-legalize-marijuana-now>)

Recently, New Jersey Governor Chris Christie stated, "**The war on drugs**, while well-intentioned, **has been a failure...**" Additional calls in rethinking this issue have come from the likes of Ron Paul, former Mexican President Vicente Fox, former California Governor Arnold Schwarzenegger, a position formerly held by President Obama, and recently hinted at by vice presidential Candidate Paul Ryan. The thing about it is that it is unpopular with the Baby Boomers who have witnessed drugs rampant abuse.. Additionally, no doubt if drugs were legalized, they would be continually abused. (I would also argue that they are anyways) However, **as Prohibition showed us, the government cannot change America's heart** through draconian legislation, **but must appeal to its sense of conscience and intelligence**. I give the example of how the United States has combated tobacco use. **The United States has not outlawed tobacco but has appealed to America's intelligence through education and informative commercials**. My generation today is far more likely to smoke marijuana (which is illegal) than a cigarette (which is legal). It's a strange paradox, **it seems the more we regulate a substance the more its used**. Today we are in an economic depression (though we deny this) and we can no longer afford the fiscal cost and the lives brought on us by the U.S. War on Drugs. Time to change course. **Legalizing** marijuana does not condone the behavior, just as legalizing alcohol doesn't condone alcohol abuse, but it **does recognize that this course of action has failed miserably. The paradox is that the more we regulate the drug, the more it creates an economic incentive to sell it, the more it creates an underground demand for it, and finally the more expensive it is to stop it.**

## AT: Solvency Turn – Increases Terrorism

[ ]

[ ] Drug prohibition helps terrorists.

**Carpenter, 2005**

(Ted Galen Carpenter, the Cato Institute's vice president for defense and foreign policy studies, is the author of six books and editor of 10 books on international affairs; "Drug Prohibition Is a Terrorist's Best Friend"; 1/4/05; <http://www.cato.org/publications/commentary/drug-prohibition-is-terrorists-best-friend?print>)

There is little doubt that **terrorist groups around the world profit from the drug trade**. What anti-drug crusaders refuse to acknowledge, however, is that **the connection between drug trafficking and terrorism is the direct result of making drugs illegal**. The **prohibitionist policy** that the United States and other drug-consuming countries continue to pursue **guarantees a huge black market premium for all illegal drugs. The retail value of drugs coming into the United States** (to say nothing of Europe and other markets) **is estimated at \$50 billion to \$100 billion a year. Fully 90 percent of that sum is attributable to the prohibition premium. Absent a** world-wide **prohibitionist policy, this fat profit margin would evaporate, and terrorist organizations would be forced to seek other** sources of **revenue. Drug prohibition is terrorism's best friend**. That symbiotic relationship will continue until the United States and its allies have the wisdom to dramatically change their drug policies.

## AT: Solvency Turn – Retaliation

[ ]

[ ] Legalizing destroys profits that fund crime.

Grillo, 2012

(loan, 11/1/12, "Hit Mexico's Cartels With Legalization,"

<http://www.nytimes.com/2012/11/02/opinion/hit-mexicos-cartels-with-legalization.html>)

The painful truth is that the monster of **Mexican cartels has been pumped up by decades of Americans buying illegal drugs under the policies of prohibition.** No one knows exactly how much money Mexican traffickers make, but reasonable **estimates find they pocket \$30 billion every year selling cocaine, marijuana, heroin and crystal meth to American users. Since 1980, the cumulative jackpot could be close to \$1 trillion.** Under the law of the jungle, this money goes to the most violent and sadistic players, so the cartels have spent their dollars on building increasingly ferocious death squads. There have been a tragic 60,000 killings under President Felipe Calderón that are described as drug-related. But even this description can be misleading. **Most cartel assassins do not carry out these brutal acts because they are high on drugs. Their motive is to capture the profits** that are so high **because in the black market you can buy drugs for a nickel and sell them for a dollar.** How many others would love to be in a business with a markup of more than 2,000 percent? Marijuana is just one of the drugs that the cartels traffic. Chemicals such as crystal meth may be too venomous to ever be legalized. But cannabis is a cash crop that provides huge profits to criminal armies, paying for assassins and guns south of the Rio Grande. The scale of the Mexican marijuana business was illustrated by a mammoth 120-hectare plantation busted last year in Baja California. It had a sophisticated irrigation system, sleeping quarters for 60 workers and could produce 120 metric tons of cannabis per harvest.

Again, nobody knows exactly how much the whole Mexico-U.S. marijuana trade is worth, with estimates ranging from \$2 billion to \$20 billion annually. But even if you believe the lowest numbers, **legal marijuana would take billions of dollars a year away from organized crime. This would inflict more financial damage than soldiers or drug agents have managed in years and substantially weaken cartels.** It is also argued that Mexican gangsters have expanded to a portfolio of crimes that includes kidnapping, extortion, human smuggling and theft from oil pipelines. This is a terrifying truth. But this does not take away from the fact that **the marijuana trade provides the crime groups with major resources.** That they are committing crimes such as kidnapping, which have a horrific effect on innocent people, makes cutting off their financing all the more urgent.

## AT: Solvency Turn – Shrinking Market Increases Violence

[ ]

[ ] Expert consensus concludes legalization is more effective at combating violence than criminalization.

**Weissman**, Distinguished Professor of Law; University of North Carolina School of Law, 2013 (Deborah M., Remaking Mexico: Law Reform as Foreign Policy, April, <http://ssrn.com/abstract=2246126>)

Perhaps the most significant reforms at odds with the Mérida rule of law program relate to the very heart of the U.S. approach to drug trafficking and drug violence, that is, the “war on drugs.” As noted above, the Mérida Initiative’s rule of law program calls for an expanded criminalized response to drug-related crime.<sup>252</sup> Many Mexicans, however, have rejected this approach as having failed to end the drug-related violence.<sup>253</sup> Mexican human rights activists have expressed strong support for the consideration of decriminalization strategies as a means to address the crisis in Mexico. They have made the link between drug prohibition and human rights violations and urged that **“rethinking the criminalization of drug use would be a very important long-term strategy to improving the serious human-rights situation that Mexico is facing”** today.<sup>254</sup> Mexican grassroots movements against the militarization of the drug war have also called for a legalization approach.<sup>255</sup> Public opinion surveys have indicated that U.S. crime and imprisonment requirements are rejected by Mexicans as useless dogma, and further believe that U.S. strategies have exacerbated the problems.<sup>256</sup> Public discourses call for solutions more consistent with Mexican history and culture.<sup>257</sup> **These popular sentiments are reflected within the report findings issued by the 2009 Latin American Commission on Drugs and Democracy (the Commission) headed by Ernesto Zedillo, the former president of Mexico together with former presidents of Brazil and Colombia**—all countries with a history of problems with drug cartels. <sup>258</sup> The report called for a new paradigm to address drug-related problems.<sup>259</sup> More specifically, it calls for an end to the U.S. model of war-on-drug policies and punitive drug laws after concluding that such strategies have done little to diminish drug-related crime or improve public health outcomes.<sup>260</sup> **The report emphasizes public health and social policy strategies instead of reliance on harsh criminal penalties**, and garnered significant popular support.<sup>261</sup> The Latin American Commission was followed by the formation of a Global Commission on Drug Policy, which also included notable Mexican politicians and scholars.<sup>262</sup> It issued similar findings that criticized U.S. drug policies for failing to resolve drug violence while noting the horrific consequences of U.S. strategies.<sup>263</sup> The report identified Mexico as an example of drug law enforcement practices that served to increase the violence and corruption associated with the drug trade: **The available scientific evidence suggests that increasing the intensity of law enforcement interventions to disrupt drug markets is unlikely to reduce drug gang violence**. Instead, the existing evidence suggests that **drug-related violence and high homicide rates are likely a natural consequence of drug prohibition** and that increasingly sophisticated and well-resourced methods of disrupting drug distribution networks may unintentionally increase violence.<sup>264</sup>



# **Legalization Counterplan Affirmative**

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## **Summary**

Just as the Negative team is called to engage with the substantive warrants of the Affirmative case, the responses here address the root issues prevalent in any debate regarding the legalization of drugs. These typically take on the perspective that the counterplan won't solve these problems. The key balancing point is that the Affirmative team should still weigh the arguments in the case itself against this counterplan. The cards included here discuss whether legalization would work to end the War on Drugs. The key distinction to make is that ending surveillance on the Black Body, as well as understanding and rejecting the ideology that led to that surveillance, is the true way to end the War on Drugs.

## Glossary

**Black Market** – A market in which goods or services are traded illegally.

**Decriminalization** – The abolition of criminal penalties in relation to certain acts, perhaps retroactively, though perhaps regulated permits or fines might still apply.

**Drug Cartel** – Any criminal organization developed with the primary purpose of promoting and controlling drug trafficking operations.

**Drug Trafficking** – The transportation, trade, and sale of illegal narcotics.

**DTO (Drug Trafficking Organization)** – See Drug Cartel.

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**Grey Market** – The trade of a commodity through distribution channels which are legal but are unofficial, unauthorized, or unintended by the original manufacturer.

**Narcotics** – Traditionally defined as any drug with sleep-inducing properties, now used generally to describe all illegal drugs.

**Prohibitionism** – A legal philosophy and political theory which holds that citizens will abstain from actions if the actions are made illegal and the laws are enforced by law enforcement.

**Revenue** – Income that a business receives from its business activities, usually from the sale of goods and services to customers.

## No Solvency – Diverse Business Ventures

[ ]

## [ ] Drug cartels won't be harmed by legalization

**Longmire**, a former officer and investigative special agent in the Air Force, **2011**  
(Sylvia, Legalization Won't Kill the Cartels, June 18,  
[http://www.nytimes.com/2011/06/19/opinion/19longmire.html?\\_r=1](http://www.nytimes.com/2011/06/19/opinion/19longmire.html?_r=1))

Unfortunately, it's not that easy. Marijuana legalization has many merits, but it would do little to hinder the long-term economics of the cartels — and the violent toll they take on Mexican society. For one thing, if marijuana makes up 60 percent of the cartels' profits, that still leaves another 40 percent, which includes the sale of methamphetamine, cocaine, and brown-powder and black-tar heroin. **If marijuana were legalized, the cartels would still make huge profits from the sale of these other drugs. Plus, there's no reason the cartels couldn't enter the legal market for the sale of marijuana, as organized crime groups did in the United States after the repeal of Prohibition.** Still, legalization would deliver a significant short-term hit to the cartels — if drug trafficking were the only activity they were engaged in. But cartels derive a growing slice of their income from other illegal activities. **Some experts** on organized crime in Latin America, like Edgardo Buscaglia, **say that cartels earn just half their income from drugs.** Indeed, **in recent years cartels have used an extensive portfolio of rackets and scams to diversify their income.** For example, they used to kidnap rivals, informants and incompetent subordinates to punish, exact revenge or send a message. Now that they have seen that people are willing to pay heavy ransoms, **kidnapping has become their second-most-lucrative venture**, with the targets ranging from businessmen to migrants. **Another new source of cartel revenue is oil theft,** long a problem for the Mexican government. The national oil company, Pemex, loses hundreds of millions of dollars' worth of petroleum every year to bandits and criminal gangs who tap into pipelines and siphon it off. Now the cartels are getting involved in this business, working with associates north of the border to sell the oil to American companies at huge markups.

**No Solvency – Doesn't Address Demand**

[ ]

[ ] Legalizing does not address the core problems—it only provides a quick fix solution.

**Brown, 2008**

(Lee P. Brown, the director of the White House Office of National Drug Control Policy under President Bill Clinton from 1994 to 1997. "Two Takes: Drugs Are a Major Social Problem, We Cannot Legalize Them." N.p., 25 July 2008. Web. <<http://www.usnews.com/opinion/articles/2008/07/25/two-takes-drugs-are-a-major-social-problem-we-cannot-legalize-them>>.)

**An effective drug policy must focus on reducing the demand for drugs through prevention, education, and treatment without overlooking enforcement and working with source countries.** That was the policy that I developed while serving as the nation's "drug czar" under President Clinton. **The formula is simple: no demand, no supply.** In 1988, the House Select Committee on Narcotics Abuse and Control, chaired by Rep. Charles Rangel, a New York Democrat, held hearings on the possible legalization of drugs. The questions asked by Rangel then are equally relevant today: Which drugs would we legalize—heroin, cocaine, methamphetamines, and PCP, as well as marijuana? **What would we do with addicts? Would we support their habit for life or pay for their treatment? What would we do about those who are only experimenting? Would legalization contribute to their addiction? What would prevent a black market from emerging? Because these and other questions cannot be answered to the satisfaction of the U.S. public and our lawmakers, America will never legalize drugs. Legalization does not get to the problem's core.** In seeking to satisfy the few, it subverts the best interests of all. **In purporting to provide a quick, simple, costless cure for crime and violence, it fails to answer why more drug availability would not lead to more drug use and more devastating consequences. We must, however, change our drug policy and view drug use as a public health problem, not just a problem for the criminal justice system.**

**No Solvency – Increases Consumption**

[ ]

[ ] **Legalization can't solve—it increases consumption and won't decrease crime rates.****Wilson, 2000**

(James Q. Wilson. "Legalizing Drugs Makes Matters Worse." Author at Ohio State. Legalizing Drugs Makes Matters Worse. N.p., 1 Sept. 2000. Web. <<http://www.physics.ohio-state.edu/~wilkins/writing/Resources/essays/legal-drugs-No.html>>.)

If only things were so simple. **The central problem with legalizing drugs is that it will increase drug consumption under almost any reasonable guess as to what the legalization** (or more modestly, the decriminalization) **regime would look like.** The debate, I think, must be between those who admit this increase and then explain why they would find it tolerable and those who admit the increase and find it intolerable. Illegal drugs--and here I refer chiefly to cocaine, heroin, PCP, and methamphetamine--have three prices that are much higher than what they would be if the sale were legal. First, **under legalization the cash price would be lower.** No one knows by how much, but the most cautious scholar says by a factor of three, the boldest one says by a factor of 20. Now **take a powerfully addictive substance, one that not only operates on but modifies the human brain by producing compelling effects that often can only be achieved again by increasing the dosage, and ask how many more people would buy it if its cash price were only 30 percent or even 5 percent of its current price.** Unless you think that everybody who wants the drug is already using it, a most unlikely possibility, **then the answer must be--a lot.** Second, under legalization the quality price would be lower. Drugs are now purchased in most cases from people who offer no meaningful promise of quality. You can buy cocaine or heroin that has been cut five times or 20 times, and cut with sugar or rat poison. The Food and Drug Administration does not require accurate labeling, and unless you are a repeat customer, you probably have no idea what you are getting. Feel like taking a chance? Buy a drug from the furtive fellow on the street corner. Third, **under legalization the search price would be zero. You would not have to search or run risks of being mugged or arrested.** Maybe you would be able to buy it in the local pharmacy, but you would get it from some dealer operating in the open with no risk to you. The effect of cutting prices will be three fold: it will dramatically increase the number of users; this increase will be permanent, [Note this point is made obliquely and not directly in current draft.] and many aspects of society will be profoundly impacted by the drug-incapacitated persons, for example, needing welfare, causing traffic deaths, and ruining marriages. Cut all of these three prices--the cash cost, the risk of not getting a decent quality, and the absence of searching and running risks--and the total price reduction would not be by a factor of 20 but probably by a factor of 50. Consumption will go up dramatically. Now what happens? Here is where the only meaningful debate can exist. **Do you think that there will be a decrease in drug crime? Maybe--if the crime committed by users seeking money to buy drugs and the dealers protecting their right to sell drugs falls by an amount greater than the increase in crime committed by addicted users who are no longer capable of holding a job.**

**Solvency Turn – Increases Terrorism**

[ ]

[ ] **Legalization would increase terrorism.****Hartnett, 2005**

(Edmund Hartnett, Deputy Chief and Executive Officer, Narcotics Division, New York City Police Department, New York. "Drug Legalization: Why It Wouldn't Work in the United States." The Police Chief, the Professional Voice of Law Enforcement. N.p., 3 Mar. 2005. Web.

<[http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=533&issue\\_id=32005](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=533&issue_id=32005)>.)

**In the aftermath of September 11, it was evident that enormous amounts of money were part of a global terrorist network. Much of this money was hidden in ostensibly legal outlets, primarily banks, investments, and charitable organizations. They were correctly targeted by law enforcement agencies and, in many cases, frozen; thereby denying terrorists access to the money. Many experts believe that terrorists are now using narcotics trafficking to fund their activities.** Although much of this activity seems to be centered in the Afghanistan and Pakistan region (sometimes referred to as the Golden Crescent in law enforcement circles), all international narcotics investigations now have to add terrorism to their list of concerns. **Legalization would only exacerbate this problem and put more money into the terrorists' bank accounts. The DEA has identified links between drug suppliers and terrorism.** Their investigations, again primarily in Afghanistan and Pakistan, have shown connections among traffickers in heroin and hashish, money launderers, and al Qaeda members. They also suspect a drug-related connection involving al Qaeda and the train bombings in Madrid. According to DEA, "The bombers swapped hashish and ecstasy for the 440 pounds of dynamite used in the blasts, which killed 191 people and injured more than 1,400 others. Money from the drugs also paid for an apartment hideout, a car, and the cell phones used to detonate the bombs.



## Solvency Turn – Retaliation

[ ]

[ ] Drug legalization would fail – their evidence doesn't assume crime groups' retaliation.

**Felbab-Brown, 2012**

(Senior fellow with the Center for 21st Century Security and Intelligence in the Foreign Policy program at Brookings and an expert on international and internal conflicts and nontraditional security threats, including insurgency, organized crime, urban violence, and illicit economies (Vanda, "Organized Criminals Won't Fade Away" August 2012 The World Today Magazine  
<http://www.brookings.edu/research/articles/2012/08/drugs-crime-felbabbrown>)

Although frequently portrayed as an effective solution to the problem of organized crime, mere legalization of illicit economies, particularly of drugs, is no panacea. Proponents of legalization as a mechanism to reduce organized crime make at least two arguments: it will severely deprive organized crime groups of resources. It will also free law enforcement agencies to concentrate on other types of crime. A country may have good reasons to want to legalize the use and even production of some addictive substances and ride out the consequences of greater use. Such reasons could include providing better health care to users, reducing the number of users in prison, and perhaps even generating greater revenues and giving jobs to the poor. Yet **without robust state presence and effective law enforcement, both often elusive in** parts of the world such as **Latin America** or Africa, **there can be little assurance that organized crime groups would be excluded from the legal drug trade.** In fact, they may have numerous advantages over legal companies and manage to hold on to the trade, perhaps even resorting to violence to do so. **Nor does mere legalization mean that the state will suddenly become robust and effective. Persistent deficiencies in the state explain why there is so much illegal logging alongside legal logging, for example, or why smuggling in legal goods take place. Organized crime groups** who stand to be displaced from the drug trade by legalization can hardly be expected to take the change lying down. Rather, they **may intensify their violent power struggles over remaining illegal economies,** such as the smuggling of other contraband or migrants, prostitution, extortion, and kidnapping. **To mitigate their financial losses, they may also seek to take over the black economy,** which operates outside the tax system. If they succeed in organizing street life in this informal sector, **their political power over society will be greater than ever. Nor does legalization imply that police would be freed up to focus on other issues or become less corrupt: The state may have to devote more resources to regulating the legal economy.** Additionally, **a grey market in drugs would probably emerge. If drugs became legal, the state would want to tax them – to generate revenues and to discourage greater use. The higher the tax, the greater the opportunity for organized crime to undercut the state by charging less.** Organized crime groups could set up their own fields with smaller taxation, snatch the market and the profits, and the state would be back to combating them and eradicating their fields. Such grey markets exist alongside a host of legal economies, from cigarettes to stolen cars.

**Solvency Turn – Shrinking Market Increases Violence**

[ ]

**[ ] A Shrinking Demand for Drugs Would Intensify Drug-related Violence.****Felbab-Brown**, a senior fellow at the Brookings Institute, **2010**

(Vanda, Why Legalization in Mexico is Not a Panacea for Reducing Violence and Suppressing Organized Crime, September 23, 2010, [http://www.brookings.edu/research/opinions/2010/09/23-mexico-marijuana-legalization-felbabbrown?rssid=mexico&utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3a%2bBrookingsRSS%2ftopics%2fmexico%2b\(Brookings%3a%2bTopics%2b-%2bMexico\)](http://www.brookings.edu/research/opinions/2010/09/23-mexico-marijuana-legalization-felbabbrown?rssid=mexico&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3a%2bBrookingsRSS%2ftopics%2fmexico%2b(Brookings%3a%2bTopics%2b-%2bMexico)))

felbabbrown?rssid=mexico&utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3a%2bBrookingsRSS%2ftopics%2fmexico%2b(Brookings%3a%2bTopics%2b-%2bMexico)

But, even if legalization did displace **the DTOs** from the marijuana production and distribution market in Mexico, they can hardly be expected to take such a change lying down. Rather, they **may intensify the violent power struggle over remaining hard-drug smuggling and distribution.** (Notably, **the shrinkage of the U.S. cocaine market is one of the factors that precipitated the current DTO wars.**) **Worse yet, the DTOs could intensify their effort to take over other illegal economies in Mexico, such as the smuggling of migrants and other illegal commodities, prostitution, extortion, and kidnapping,** and also over Mexico's informal economy – trying to franchise who sells tortillas, jewelry, clothes on the zócalo -- to mitigate their financial losses. They are already doing so. **If they succeed in franchising the informal economy and organizing public spaces** and street life in the informal sector (40% of Mexico's economy), **their political power over society will be greater than ever.**

**NSA PRISM  
Affirmative**

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## **Summary**

The NSA PRISM Affirmative position establishes that the National Security Agency (NSA) is using loopholes in regulations to surveil people within the United States, despite the fact that it is clear that these regulations are intended to allow only for foreign surveillance. This domestic surveillance directly affects the United States' ability to remain a leader in technological developments, particularly developments related to cloud computing. As a leader in technological capabilities and growth, the U.S. has a lot to lose. The Affirmative position focuses on how technological leadership affords the United States a position of power internationally, and how the U.S. risks losing that power if their dominance over the tech industry declines.

The Affirmative plan is to limit surveillance to investigations carried out following the specific provisions of Section 702 of the FISA Amendments Act. This would significantly reduce domestic surveillance and have particularly beneficial effects for technology companies in the U.S. More directly, the plan would rebuild trust among domestic and foreign companies around the surveillance that is being carried out by the United States government. Rebuilding the trust of companies in domestic surveillance techniques would then allow for the U.S. to regain its reputation as the technological world leader.

The remaining Affirmative evidence responds to possible criticisms that could be made by the Negative team. This section provides further evidence that the U.S. is a world leader in cloud computing, that the limits of current executive orders have been ignored, and that a loss of credibility in Internet Freedom would lead to larger foreign policy concerns. Lastly, the Affirmative evidence explains why the NSA would comply with such a plan and why that compliance would help the U.S. government be viewed as valuing democracy over totalitarianism.

## Glossary

**Authoritarianism** – The indefinite political rule of the ruler or ruling party (often in a single-party state) or other authority.

**Cloud-Computing** – The practice of using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer.

**Data Localization** – A government's requirement that foreign companies store domestic citizens' data within the country's borders.

**EO 12333** – Executive Order 12333 – Signed on December 4, 1981 by U.S. President Ronald Reagan, extends powers and responsibilities of U.S. intelligence agencies and directs the leaders of U.S. federal agencies to co-operate fully with CIA requests for information. The document has been employed by the National Security Agency as legal authorization for its secret systematic collection of unencrypted information flowing through the data centers of internet communications giants Google and Yahoo!

**Hegemony** – The political, economic, or military predominance or control of one state over others. It can be argued that the United States is the global hegemon, and dominates all other states.

**Internet Freedom Agenda** – A foreign policy priority for the United States, that focuses on preserving open Internet across the world, as well as promoting the deployment of broadband communications across the world, free of government censorship.

**National Security Agency** – An intelligence organization of the United States government, responsible for global monitoring, collection, and processing of information and data for foreign intelligence and counterintelligence purposes – a discipline known as signals intelligence (SIGINT).

**PRISM** – A secret surveillance program under which the United States National Security Agency (NSA) collects internet communications from at least nine major US internet companies. Since 2001 the United States government has increased its scope for such surveillance, and this program was launched in 2007.

**Section 702** – Part of the FISA Amendments Act of 2008 that permits the Attorney General and the Director of National Intelligence to jointly authorize targeting of persons reasonably believed to be located outside the United States, but is limited to targeting non-U.S. persons. Once authorized, such acquisitions may last for periods of up to one year. Section 702 authorizes foreign surveillance programs by the National Security Agency like PRISM and some earlier data collection activities, which were previously authorized under the President's Surveillance Program from 2001.

**FISA** – Foreign Intelligence Surveillance Act of 1978 – A United States federal law which prescribes procedures for the physical and electronic surveillance and collection of "foreign intelligence information" between "foreign powers" and "agents of foreign powers" (which may include American citizens and permanent residents suspected of espionage or terrorism). It has been repeatedly amended since the September 11 attacks.

**1AC (1/10)****Contention One is Inherency:**

**Executive Order 12333 authorizes foreign surveillance, but the NSA is using it to exploit loopholes to create backdoor access for wholly domestic surveillance.**

**Arnbak and Goldberg 2014**

(cybersecurity and information law research at the Institute for Information Law, LL.M degree from Leiden University, A Competitive Strategy and Game Theory degree from London School of Economics University of Amsterdam; Associate professor in the Computer Science Department at Boston University, PhD from Princeton University, B.A.S.c from University of Toronto (Axel and Sharon, "Loopholes for Circumventing the Constitution: Warrantless Bulk Surveillance on Americans by Collecting the Network Traffic Abroad", Working Paper, June 27, 2014)

However, according to the N.S.A., this third regime under EO 12333 is the 'primary legal authority' for its operations [5, p. 2-3]. Thus, it deserves more attention and careful scrutiny. Working with primary legal sources, many of which have only recently been made public and are still redacted on key issues, we make the following central observation. A surveillance operation falls within the EO 12333 regime when it presumes two connected criteria: it does not intentionally target a U.S. person, and is conducted abroad. If an intelligence agency can construct plausible presumptions that these two criteria have been met, then the permissive legal regime under EO 12333 can be applied to the surveillance operation. The surveillance is then considered to affect non-U.S. persons, and 4th Amendment protections can thus be circumvented even if the operation primarily affects Americans. Our main hypothesis is therefore that there is a loophole for surveillance on Americans from abroad resulting from the following interdependence: (1) the complete absence of legal protection for non-U.S. persons under the U.S. regulatory framework [32,33] creates 'foreignness'-presumptions under EO 12333 and (2) the technical realities of modern Internet communications. Technical Loopholes. At first blush, one might suppose that a surveillance operation conducted abroad should have no impact on the privacy of Americans. However, in Section 3 we discuss why the technical realities of the Internet mean that American's network traffic can easily be routed or stored abroad, where it can then be collected under the permissive legal regime of EO 12333. Indeed, we already know of surveillance programs that have exploited this legal loophole. The revealed MUSCULAR/TURMOIL program, for example, illustrates how the N.S.A. presumed authority under EO 12333 to acquire traffic between Google and Yahoo! servers located on foreign territory; this program allegedly collected up to 180 million user records per month abroad, including those of Americans [17]. We also discuss other technical means an intelligence agency can exploit the legal loopholes under EO 12333. Instead of eavesdropping on intradomain traffic (i.e., data sent within a network belonging to a single organization, as in the MUSCULAR/TURMOIL program), these loopholes can be exploited in the interdomain setting, where traffic traverses networks belonging to different organizations. We explain why interdomain routing with BGP can naturally cause traffic originating in a U.S. network to be routed abroad, even when it is destined for an endpoint located on U.S. soil. We also discuss why core Internet protocols – BGP and DNS – can be deliberately manipulated to force traffic originating in American networks to be routed abroad. We discuss why these deliberate manipulations fall within the permissive EO 12333 regime, and how they can be used to collect, in bulk, all Internet traffic (including metadata and content) sent between a pair of networks; even if both networks are located on U.S. soil (e.g., from Harvard University to Boston University).

**1AC (2/10)****Contention Two is Technological Leadership:****1. NSA surveillance is crushing U.S. cloud-computing—this spills over to the entire technology sector.****Donohue, 2015**

(Professor of Law, Georgetown Law and Director, Center on National Security and the Law, Georgetown Law (Lauren, HIGH TECHNOLOGY, CONSUMER PRIVACY, AND U.S. NATIONAL SECURITY, Symposium Articles, 4 Am. U. Bus. L. Rev. 11 p.15-18, 2015, Hein Online)

Billions of dollars are on the line because of worldwide concern that the services provided by U.S. information technology companies are neither secure nor private. Perhaps nowhere is this more apparent than in cloud computing. Previously, approximately 50% of the worldwide cloud computing revenues derived from the United States. The domestic market thrived: between 2008 and 2014, it more than tripled in value. But within weeks of the Snowden leaks, reports had emerged that U.S. companies such as Dropbox, Amazon Web Services, and Microsoft's Azure were losing business. By December 2013, ten percent of the Cloud Security Alliance had cancelled U.S. cloud services projects as a result of the Snowden information. In January 2014 a survey of Canadian and British businesses found that one quarter of the respondents were moving their data outside the United States. The Information Technology and Innovation Foundation estimates that declining revenues of corporations that focus on cloud computing and data storage alone could reach \$35 billion over the next three years. Other commentators, such as Forrester Research analyst James Staten, have put actual losses as high as \$180 billion by 2016, unless something is done to restore confidence in data held by U.S. companies. The monetary impact of the NSA programs extends beyond cloud computing to the high technology industry. Cisco, Qualcomm, IBM, Microsoft, and Hewlett-Packard have all reported declining sales as a direct result of the NSA programs. Servint, a webhosting company based in Virginia, reported in June 2014 that its international clients had dropped by 50% since the leaks began. Also in June, the German government announced that because of Verizon's complicity in the NSA program, it would end its contract with the company, which had previously provided services to a number of government departments. As a senior analyst at the Information Technology and Innovation Foundation explained, "It's clear to every single tech company that this is affecting their bottom line. The European commissioner for digital affairs, Neelie Kroes, predicts that the fallout for U.S. businesses in the EU alone will amount to billions of Euros.

Not only are U.S. companies losing customers, but they have been forced to spend billions to add encryption features to their services. IBM has invested more than a billion dollars to build data centers in London, Hong Kong, Sydney, and elsewhere, in an effort to reassure consumers outside the United States that their information is protected from U.S. government surveillance.<sup>26</sup> Salesforce.com made a similar announcement in March 2014.<sup>27</sup> Google moved to encrypt terms entered into its browser.<sup>28</sup> In June 2014 it took the additional step of releasing the source code for End-to-End, its newly-developed browser plugin that allows users to encrypt email prior to it being sent across the Internet.<sup>29</sup> The following month Microsoft announced Transport Layer Security for inbound and outbound email, and Perfect Forward Secrecy encryption for access to OneDrive.<sup>30</sup> Together with the establishment of a Transparency Center, where foreign governments could review source code to assure themselves of the integrity of Microsoft software, the company sought to put an end to both NSA back door surveillance and doubt about the integrity of Microsoft products.



**1AC (3/10)**

**2. the best and newest research confirms that research shows NSA surveillance is destroying our internet competitiveness in cloud computing.**

**Matthews and Tucker, 2015**

(National Chair at Restore the Fourth AND \*\*PhD in economics and professor of Marketing at MIT (Alex and Catherine, "Government Surveillance and Internet Search Behavior", 29 April 2015, file:///C:/Users/17GGonzalez/Downloads/SSRN-id2412564%20(2).pdf)

This study is the first to provide substantial empirical documentation of a chilling effect, both domestically in the shorter term and internationally in the longer term that appears to be related to increased awareness of government surveillance online. Furthermore, this chilling effect appears in countries other than the US to apply to search behavior that is not strictly related to the government but instead forms part of the private domain. Our findings have the following policy implications. From an economic perspective, our finding that there was an effect on international Google users' browsing behavior has potential policy implications for the effects of government surveillance on international commerce. From a US competitive standpoint, the longer-run effect observed on international Google users' search behavior indicates that knowledge of US government surveillance of Google could indeed affect their behavior. At the most limited end of the spectrum, it could steer them away from conducting certain searches on US search engines; at the most severe end of the spectrum, they might choose to use non-US search engines. Such effects may not be limited simply to search engines. For example, as Google's services are embedded in a large array of products, it could potentially hinder sales of Android-enabled mobile phones. Though preliminary attempts are being made to work towards initial measures of the economic impact of surveillance revelations (Dinev et al., 2008), no systematic study yet exists. All we can do, within the context of our data, is to indicate that on the basis of the effects we find, the strong possibility of substantial economic effects exists, and to suggest that such potential adverse economic impacts should be incorporated into the thinking of policy makers regarding the appropriateness of mass surveillance programs. There are limitations to the generalizability of our findings. First, we are not sure how the results generalize outside of the search domain towards important tech industries such as the rapidly growing US cloud computing industry. Second, we are not sure how the revelations affected search on Google's major competitors, such as Bing and Yahoo! Search. It may be that the effect on their services was lessened by reduced media focus on them relative to Google in the light of the PRISM revelations and potentially the extent to which users anticipated that their servers may be located outside of the US. Third, our results are focused on the effects of revelations about government surveillance as opposed to the direct effects of government surveillance per se. Notwithstanding these limitations, we believe that our study provides an important first step in understanding the potential for effects of government surveillance practices on commercial outcomes and international competitiveness.

**1AC (4/10)****3. That undermines US global technological leadership.****Castro and McQuinn, 2015**

(Daniel Castro works at the Center for Data Innovation, Government Technology, The Information Technology & Innovation Foundation, worked at the U.S. Government Accountability Office, went to Carnegie Mellon. Alan McQuinn works at the Federal Communications Commission, previously had the Bill Archer Fellowship at the University of Texas, (June 2015, "Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness")

When historians write about this period in U.S. history it could very well be that one of the themes will be how the United States lost its global technology leadership to other nations. And clearly one of the factors they would point to is the long-standing privileging of U.S. national security interests over U.S. industrial and commercial interests when it comes to U.S. foreign policy. This has occurred over the last few years as the U.S. government has done relatively little to address the rising commercial challenge to U.S. technology companies, all the while putting intelligence gathering first and foremost. Indeed, policy decisions by the U.S. intelligence community have reverberated throughout the global economy. If the U.S. tech industry is to remain the leader in the global marketplace, then the U.S. government will need to set a new course that balances economic interests with national security interests. The cost of inaction is not only short-term economic losses for U.S. companies, but a wave of protectionist policies that will systematically weaken U.S. technology competitiveness in years to come, with impacts on economic growth, jobs, trade balance, and national security through a weakened industrial base. Only by taking decisive steps to reform its digital surveillance activities will the U.S. government enable its tech industry to effectively compete in the global market.

**1AC (5/10)****4. Tech leadership underpins U.S. hegemony.****Weiss, 2014**

(Fellow of the Academy of the Social Sciences in Australia, Professor Emeritus in Government and International Relations at the University of Sydney, Honorary Professor of Political Science at Aarhus University. (Linda, America Inc.?: Innovation and Enterprise in the National Security State, Cornell University Press, 4/1/14, p. 1-3)

Bill Gates' "state-less" depiction of America's high-tech economy perfectly captures the prevailing understanding of U.S. techno-industrial preeminence. Both at home and abroad, the United States is widely portrayed as the quintessential free-market economy. In this reputedly freewheeling entrepreneurial setting, robust antistatism combines with weak State capacity to ensure that the U.S. government contributes little more to America's global technology leadership than a business-friendly environment. This book tells a different story, one that links high technology with national security and (antistatist) political norms. 1 It proposes that there is more to American capitalism and the American state than meets the free-market eye. In getting to this "something more," we start from the substantive observation that the U.S. has an unmatched capacity for transformative innovation. For half a century and more, the United States has been the uncontested high-technology hegemon, leading the world in virtually all the major technologies that drive the modern economy and underpin its prosperity. Think of innovations such as communications satellites, micro-electronics, computers, software, biotechnology, the internet—the list goes on. More striking still is that every one of these breakthrough innovations emanated from the United States precisely in the period since World War II, giving rise to entirely new industries. My main argument focuses on the role of what I call the national security state or NSS (though I use the term in an unusual sense; more on this shortly). Since World War II, the NSS has dominated in high-risk, break-through technologies and emerging industries; this pursuit has established, and continues to secure, the foundations for a high-technology commercial sector. Nevertheless, the NSS pursues technology leadership in order to sustain U.S. military-political primacy, not to achieve commercial advantage. To do so it has to rely on the private sector to advance its technology goals. After all, the days when the military could source all it needed from its arsenals are long gone. But as leading-edge capabilities came to reside less and less within the pool of large defense contractors (core of what is traditionally described as the military-industrial complex), and more and more within high-tech firms reluctant to work on security related projects, the NSS was compelled to retool its incentive system. As I explain in more detail below, increasingly since the 1980s the NSS has had to reach outside the traditional pool of large Contractors to attract the most innovative companies, by building commercial goals into its programs. By placing greater emphasis on commercialization opportunities, some of these incentives seek to sweeten collaboration with the Department of Defense (DoD) and other security-related agencies, and thus to increase NSS influence over the direction of technology. In this manner, commercialization becomes the sine qua non of technological- cum-military primacy. Far from being mutually exclusive, security and commerce have become closely entwined in NSS policy and practice. At one level then, this is a story about how the geopolitics of threat perception has generated a vast state machinery geared to perpetual innovation in the quest for technological superiority. At another level, it is a story about the domestic challenges and political obstacles that have reshaped the NSS and its relationship with the private sector, not only by integrating the goals of security with those of commerce but also by merging public and private resources in distinctive ways.

**1AC (6/10)****5. Hegemonic decline causes great power wars.****Zhang et al.**, Carnegie Endowment researcher, **2011**

(Yuhan, "America's decline: A harbinger of conflict and rivalry", 1-22,

<http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>)

This does not necessarily mean that the US is in systemic decline, but it encompasses a trend that appears to be negative and perhaps alarming. Although the US still possesses incomparable military prowess and its economy remains the world's largest, the once seemingly indomitable chasm that separated America from anyone else is narrowing. Thus, the global distribution of power is shifting, and the inevitable result will be a world that is less peaceful, liberal and prosperous, burdened by a dearth of effective conflict regulation. Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However, as the hegemony that drew these powers together withers, so will the pulling power behind the US alliance. The result will be an international order where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America's emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain 'rules the waves.' Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere's security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America's influence declines? Given that America's authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington's withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where great power wars re-emerge, the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

**1AC (7/10)**

**Thus, the plan: The United States federal government should substantially curtail its surveillance of information in the custody of American corporations by exclusively limiting surveillance to investigations carried out under section 702 of the FISA Amendments Act.**

**1AC (8/10)****Contention Three is Solvency:****1. The plan's limiting of NSA surveillance to exclusive section 702 authority is the key mechanism to guarantee surveillance capabilities and restore privacy rights.****Eoyang and Bishai, Director and Fellow at Third Way, 2015**

(Mieke and Chrissy, "Restoring Trust between U.S. Companies and Their Government on Surveillance Issues" 3/19, <http://www.thirdway.org/report/restoring-trust-between-us-companies-and-their-government-on-surveillance-issues>)

In order to meet the principles above, we propose that FAA's 702 framework be the exclusive means for conducting electronic surveillance when the information is in the custody of an American company ("FAA Exclusivity"). Section 702 of FAA provides procedures to authorize data collection of foreign targets reasonably believed to be outside the U.S. It empowers the Attorney General (AG) and Director of National Intelligence (DNI) to jointly certify a high volume of targeting and does not require the requesters to identify specific non-U.S. persons who will be targeted. Under this 702 framework, information on foreigners that's in the custody of a U.S. company should be subject to the following rules: 1. The data must relate to targets "reasonably believed" to be outside the U.S. (can include foreign persons, governments or their factions and similar entities). 2. The AG and DNI must jointly submit annual "certifications" to the Foreign Intelligence Surveillance Court (FISC). 3. Certifications must identify categories of foreign intelligence targets that the Government wants to surveil electronically; they do not need to identify specific persons to be targeted. 4. Certifications may include information or representations from other federal agencies authorized to cooperate with the AG, DNI, or Director of the NSA. 5. Certifications must be reviewed by the FISC, which can authorize the targeting if they deem that the statutory requirements have been met. 6. After the certifications are approved, the AG and DNI issue (written) "directives" to the providers, ordering them to assist the government. 7. Collection should be executed with the appropriate "minimization procedures" in place to limit the acquisition, retention, and dissemination of any non-publicly available U.S. person information acquired through the Section 702 program. 8. The AG, in consultation with the DNI, must adopt FISC-approved targeting and minimization procedures that are "reasonably designed" to ensure that the Government does not collect wholly domestic communications, and that only persons outside the U.S. are surveilled. 9. The AG and DNI must also create acquisition guidelines (which are not subject to FISC approval). Advantages of an FAA Framework. Shifting the legal authority for collection of data in the custody of an American company from E.O. 12333 to an FAA framework would have a number of advantages. Most importantly, it would create a way for the government to get the data it needs from American companies while giving those firms assurances that their data would not be accessed in other unauthorized ways. In particular, the FAA framework would create specific purposes for which the information could be sought, rather than allow the indiscriminate scooping up of every aspect of a person's communications. FAA's stated purpose is to acquire foreign intelligence information, which it defines as "information that relates to the ability of the U.S. to protect against an actual or potential attack by a foreign power; sabotage, international terrorism, or the proliferation of weapons of mass destruction by a foreign power; or clandestine intelligence activities by a foreign power." The FAA framework would also create a requirement that the Executive Branch explain how the information sought meets the statutory purposes. And there would be the additional check of an independent judge who would review the certifications and issue directives. Though this process is ex parte, and therefore a potential rubber stamp for the government, there have been no documented instances of intentional abuses of the system in seeking information beyond the statutory purposes.

**1AC (9/10)****2. The plan is also critical to restoring domestic and international perceptions of the U.S.****Eoyang and Bishai, Director and Fellow at Third Way, 2015**

(Mieke and Chrissy, "Restoring Trust between U.S. Companies and Their Government on Surveillance Issues" 3/19, <http://www.thirdway.org/report/restoring-trust-between-us-companies-and-their-government-on-surveillance-issues>)

Finally, the FAA framework would subject information sought from U.S. companies to the statutory oversight requirements of the law. These are extensive and explicit.<sup>18</sup> In addition to FAA's inherent protections, FAA Exclusivity would send a powerful message to the rest of the world: when the U.S. conducts electronic surveillance overseas from American companies, it is doing so for a particular national security purpose. The FAA structure with FISC review provides an independent check that the statutory purposes are met. Through transparency agreements with the government, the American companies would be able to provide their customers with some sense of how many requests are made. FAA Exclusivity would not change the E.O. 12333 authorities with respect to non-U.S. companies. It would not change E.O. 12333 authorities when the Executive Branch seeks to obtain the information in some way other than through a U.S. company that holds the data (i.e. traditional espionage, like breaking into a target's laptop, parking a surveillance van outside their house, or sending a spy, would still be permissible). Of course, FAA Exclusivity wouldn't solve every problem. It would not prevent foreign governments from collecting information themselves and then providing it to U.S. intelligence agencies, as U.S. law cannot bind a foreign government. And some may argue that FAA provides inadequate civil liberties protections for Americans. This proposal says nothing about the adequacy of that statute in this respect. What it says is that for data held by an American company about a target that is not a U.S. person, the checks within FAA are stronger than those solely under E.O. 12333. Others have argued that the FAA shifts the burden of cooperation solely onto the company, which will suffer greater reputational harm as a more witting participant in affirmatively granting the government's requests. However, companies have suffered reputational harm as a result of allegations of unwitting cooperation. Making the cooperation known, even if it's secret, gives the companies the opportunity to account for it in their own planning. The move by certain U.S. companies to place subsidiaries in foreign ownership to resist requests by the U.S. government presents an interesting twist on this idea. In shifting the balance back to increased protections for U.S. companies, this legislation would change the incentives so that claiming U.S. law would have operational advantages in giving companies uniformity of law for all their data. This would also encourage the use of a single choice of law for all data governed by a company—that of the nationality of incorporation—rather than encouraging a choice of law patchwork to govern the data as it flows around the world. Finally, some foreign multinational companies operating in the U.S. and abroad may argue that this is inconsistent with principles that we treat all companies operating in the U.S. the same way for purposes of law. While that would remain true under this proposal, it would create a difference in how the U.S. treats U.S. companies operating abroad compared to how it treats foreign companies abroad. But stretching the U.S. Constitution to foreign companies abroad is to stretch the document too far. If, on the other hand, those companies see advantage in changing their nationality to U.S. in order to claim protections of those laws, then that is the corporate version of the kind of immigration patterns that America has seen since its founding. Conclusion. Using FAA's framework as the exclusive means to access data that U.S. companies are holding will give the Intelligence Community a statutory framework to be able to get the intelligence information that it needs to protect the nation while restoring the trust relationship between the companies and our government. In addition, it will help restore the faith of foreign governments and customers that when American companies are acting overseas, they bring with them American values, including those of privacy protections.

**1AC (10/10)****3. Limiting the use of surveillance on US-based servers is vital to restoring trust and US technological credibility.****Kehl, 2014**

(Policy Analyst at New America's Open Technology Institute (Danielle, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity" July, <https://www.newamerica.org/oti/surveillance-costs-the-nsas-impact-on-the-economy-internet-freedom-cybersecurity/>)

The NSA mass surveillance programs described in the introduction, conducted domestically pursuant to USA PATRIOT Act Section 215 and FISA Amendments Act Section 702 and conducted outside the U.S. under Executive Order 12333, have arguably had the greatest and most immediate impact on America's tech industry and global standing. Strictly limiting the scope and purpose of surveillance under these authorities—not just in regard to surveillance of Americans but of non-Americans as well—will be critical to regaining the trust of individuals, companies and countries around the world, as well as stemming the economic and political costs of the NSA programs. The President's NSA Review Group acknowledged the need for such reform in its report on surveillance programs, affirming that "the right of privacy has been recognized as a basic human right that all nations should respect," and cautioned that "unrestrained American surveillance of non-United States persons might alienate other nations, fracture the unity of the Internet, and undermine the free flow of information across national boundaries."<sup>324</sup> In addition to recommending a variety new protections for U.S. persons, the Review Group urged in its Recommendation 13 that surveillance of non-U.S. persons under Section 702 or "any other authority"—a reference intended to include Executive Order 12333<sup>325</sup> — should be strictly limited to the purpose of protecting national security, should not be used for economic espionage, should not be targeted based solely on a person's political or religious views, and should be subject to careful oversight and the highest degree of transparency possible.<sup>326</sup> Fully implementing this recommendation—and particularly restricting Section 702 and Executive Order 12333 surveillance to specific national security purposes rather than foreign intelligence collection generally—would indicate significant progress toward addressing the concerns raised in the recent Report of the Office of the United Nations High Commissioner for Human Rights on "The Right to Privacy in the Digital Age." The UN report highlights how, despite the universality of human rights, the common distinction between "'foreigners' and 'citizens'...within national security surveillance oversight regimes" has resulted in "significantly weaker – or even non-existent – privacy protection for foreigners and non-citizens, as compared with those of citizens."<sup>327</sup>



**AT: No Harms – Cloud Computing Insignificant**

[ ]

**[ ] US surveillance has negative effects on international and domestic cloud computing.****Gasser and O'Brien, 2014**

(Executive Director at the Berkman Center for Internet and Society at Harvard University AND J.D. in economics, Urs and David, "Governments and Cloud Computing: Roles, Approaches, and Policy Considerations", 17 March 2014, Berkman Center Research Publication No. 2014-6.,<http://ssrn.com/abstract=2410270>)

Perhaps even more than in other areas of ICT, many governments play multiple roles simultaneously in the evolving cloud computing ecosystem. Such a multi-role approach can come with great synergies. For instance, the approach taken by the European Commission to encourage government adoption of the cloud and boost the industry is a situation where the objectives of the government as a user and as a promoter are well aligned. However, as in other domains of society and life, governments might face actual or potential role conflicts when exercising roles corresponding to two or more statuses. Based on the map of roles provided in the previous section, one can identify a number of potential role conflicts. For instance, conflicts might arise between regulatory compliance (government as regulator) for agencies conflicts with cloud-first strategy (government as user). And there might be tension areas between the roles as regulator and promotional activities for industry. The lack of protective legislation (e.g., security and privacy issues), for example, might discourage private sector adoption both domestically and internationally. Conversely, regulatory burdens – for instance in sensitive areas such as health care of the financial industry – may be greater in the cloud and discourages adoption in the private sector. A case in point of an actual role conflict along these lines are the recent revelations of the US National Security Agency's PRISM plan and its abilities to easily gain access to information being stored at technology companies. cxlii Analysts and industry executives expect that the surveillance program by the US government might have substantial negative effects on cloud adoption, both domestically and internationally.cxliv Public clouds in particular will be met with increased skepticism, according to these observers, creating an actual conflict between the US government's efforts to promote cloud technology (government as promoter) and its national security programs (government as regulator). Decisions by local data protection authorities in Canada and Europe, which prohibit or discourage domestic or regional government plans to migrate data to the cloud or use US cloud services, are examples of the possible consequences of such conflicts.cxliv Already government officials in these countries are discussing these as possible reactions to this program. While some of these role conflicts might be hard or impossible to avoid, it is interesting to observe that discussion about the potential of any role conflicts has not yet received much public attention in policy circles, not even in countries with advanced cloud strategies such as the US, Europe, or Japan.

**AT: No Harms – Existing Oversight**

[ ] XO 12333 allows the NSA to go way beyond its legal limits—multiple program examples.

**Rotenberg, EPIC President and Executive Director, 2015**

(Electronic privacy information center, non-profit research and educational organization established in 1994 to focus public attention on emerging privacy and civil liberties issues.<sup>12</sup> We work with a distinguished panel of advisors in the fields of law, technology and public policy., COMMENTS OF THE ELECTRONIC PRIVACY INFORMATION CENTER, file:///C:/Users/Jonah/Downloads/EPIC-12333-PCLOB-Comments-FINAL.pdf)

Former NSA Director General Keith Alexander declared in a prepared statement before the Senate Judiciary Committee that the “NSA conducts the majority of its SIGINT activities solely pursuant to the authority provided by EO 12333.” While the agency does not discuss most of the sources and methods of SIGINT collection publicly, disclosures in recent years have. June 16, 2015 Under Executive Order 12333 exposed some details of the broad surveillance conducted under EO 12333. Under these programs, the NSA collects a broad range of U.S. Person (“USP”) information.. These bulk collection programs also result in collection of a massive amount of communications and information unrelated to surveillance targets. For example, NSA’s MYSTIC program is capable of recording and storing all calls transmitted to or from a given country. The MYSTIC program has been used to collect and store all of the audio from phone calls made in the Bahamas as well as an unnamed country for thirty days. Under MYSTIC, the NSA also collected the associated metadata for all phone calls made in above countries as well as the metadata from Mexico, Kenya, and the Philippines. Using SOMALGET, a tool utilized by the MYSTIC program to help collect and store the audio content of conversations, the NSA is able to processes over 100 million call events per day. SOMALGET can store and manage approximately five billion call events. Using its retrospective retrieval (“RETRO”) tool analysts in the NSA, as well as other undisclosed agencies, can listen to audio from phone calls that were not flagged as of interest at the time of the original conversation. The MYSTIC bulk collection program captures under EO 12333 information on every telephone call of an estimated 250 million residents in the four named countries. An estimated five million U.S. citizens visit the Bahamas alone every year. Because this bulk collection indiscriminately sweeps up all telephone calls in the Bahamas, USPs’ phone calls’ associated audio and metadata would necessarily be collected and stored under the MYSTIC program. Also some, if not the majority, of the foreign communications swept up are unrelated to any valid foreign intelligence target. The NSA’s programs under EO 12333 also include massive data collection from the links between Yahoo’s and Google’s internal data centers. Under project MUSCULAR, a joint operation with the British Government Communications Headquarters (“GCHQ”), the NSA has specifically targeted U.S companies data center links for collection. MUSCULAR intercepts data, including e-mails and other private communications of users, that pass through the companies’ internal networks en route to their overseas data centers. These data centers are connected via fiber-optic cables, enabling synchronous storage of large amounts of corporate and user data all across the world. For instance, Yahoo is able to synchronize a Yahoo account holder’s entire email archive from the U.S. to another data center across the world, and the NSAMUSCULAR program could capture those e-mail contents en route. As of January 2013, the NSA sent millions of records a day to its Fort Meade headquarters that it collected from Yahoo’s and Google’s internal networks.

**AT: No Harms – NSA Surveillance Insignificant**

[ ]

**[ ] NSA surveillance wrecks US credit in promoting Internet Freedom and spills over to larger foreign policy credibility.**

**Kehl, 2014**

(Policy Analyst at New America's Open Technology Institute (Danielle, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity" July, <https://www.newamerica.org/oti/surveillance-costs-the-nsas-impact-on-the-economy-internet-freedom-cybersecurity/>)

Mandatory data localization proposals are just one of a number of ways that foreign governments have reacted to NSA surveillance in a manner that threatens U.S. foreign policy interests, particularly with regard to Internet Freedom. There has been a quiet tension between how the U.S. approaches freedom of expression online in its foreign policy and its domestic laws ever since Secretary of State Hillary Clinton effectively launched the Internet Freedom agenda in January 2010.<sup>170</sup> But the NSA disclosures shined a bright spotlight on the contradiction: the U.S. government promotes free expression abroad and aims to prevent repressive governments from monitoring and censoring their citizens while simultaneously supporting domestic laws that authorize surveillance and bulk data collection. As cybersecurity expert and Internet governance scholar Ron Deibert wrote a few days after the first revelations: "There are unintended consequences of the NSA scandal that will undermine U.S. foreign policy interests – in particular, the 'Internet Freedom' agenda espoused by the U.S. State Department and its allies."<sup>171</sup> Deibert accurately predicted that the news would trigger reactions from both policymakers and ordinary citizens abroad, who would begin to question their dependence on American technologies and the hidden motivations behind the United States' promotion of Internet Freedom. In some countries, the scandal would be used as an excuse to revive dormant debates about dropping American companies from official contracts, score political points at the expense of the United States, and even justify local monitoring and surveillance. Deibert's speculation has so far proven quite prescient. As we will describe in this section, the ongoing revelations have done significant damage to the credibility of the U.S. Internet Freedom agenda and further jeopardized the United States' position in the global Internet governance debates. Moreover, the repercussions from NSA spying have bled over from the Internet policy realm to impact broader U.S. foreign policy goals and relationships with government officials and a range of other important stakeholders abroad.

**AT: No Harms – Obama’s Policy Solves**

[ ]

**[ ] US hypocrisy in surveillance policies kills the Internet Freedom agenda. Other nations see Obama’s comments as hypocritical.**

**Gross, 2013**

(Covers technology and telecom policy in the US government for the IDG News Service, was an editor and reporter at daily newspapers for 10 years (Grant, “The NSA scandal has damaged U.S. credibility online”, Computer World, December 5, 2013, <http://www.computerworld.com/article/2486546/internet/the-nsa-scandal-has-damaged-u-s--credibility-online.html>)

The U.S. government has a huge image problem worldwide as it promotes Internet freedom on one hand and conducts mass surveillance on the other, potentially creating major problems for U.S. technology companies, a former official with President Barack Obama’s administration said Thursday. Many U.S. policy makers don’t recognize the level of distrust created by recent revelations about U.S. National Security Agency surveillance, and that lack of trust will drive other countries away from U.S. technology firms, said Andrew McLaughlin, former White House deputy CTO. “We, as an advocate for freedom of speech and privacy worldwide, are much, much, much more screwed than we generally think in Washington, and ... American industry and our Internet sector is more much, much, much more screwed than we think internationally,” McLaughlin said during a speech at a Human Rights First summit in Washington, D.C. Many overseas critics of the U.S. see the Obama administration’s push for Internet freedom as “profoundly hypocritical” in the face of the NSA surveillance revelations and a continued push by U.S. trade officials to have U.S. trading partners filter the Internet to protect against copyright violations, said McLaughlin, now president of Digg, the online news aggregation service. The NSA surveillance has led to an intense “level of anger and the degree of betrayal” in many countries that U.S. policy makers don’t seem to fully appreciate, he said. And many countries have begun to explore other options beyond U.S. technology companies because of the surveillance revelations, he added. There’s now a perception outside the U.S. that the country’s technology companies “are willing instruments of violation of civil rights and civil liberties,” McLaughlin said. “We have essentially nationalized what were previously seen as stateless Internet entities.” Many countries will move to use domestic technology companies and require citizen data to stay within their borders, he said. “If you’re an American company that sells cloud services, I think you’ve probably sold your last contract to a foreign government,” he said.

**AT: No Harms – XO 12333 Has Safeguards**

[ ]

**[ ] XO 12333 is used to collect large quantities of metadata and find personal information on U.S. citizens. Those safeguards are an illusion.**

**Rotenberg, EPIC President and Executive Director, 2015**

(Electronic privacy information center, non-profit research and educational organization established in 1994 to focus public attention on emerging privacy and civil liberties issues.<sup>12</sup> We work with a distinguished panel of advisors in the fields of law, technology and public policy., COMMENTS OF THE ELECTRONIC PRIVACY INFORMATION CENTER)

Despite the restrictions placed on the Intelligence Community by Executive Order 12333 and the foreign intelligence surveillance laws, the NSA and CIA continue to engage in bulk collection and interception of communications and sensitive information about United States Persons.<sup>33</sup> As Senate Intelligence Committee member Senator Ron Wyden recently noted, “Today there’s a global communications infrastructure, so there’s a greater risk of collecting on Americans when the NSA collects overseas.”<sup>34</sup> EPIC also raised this issue during a PCLOB’s public meeting last year, pointing out that, “Although 12333 requires a court order to target a United States Person, this is of little comfort. Given the global nature of communications, the indiscriminate mass surveillance the NSA conducts overseas captures the information of United States Persons.”<sup>35</sup> Now that communications are transmitted via a global telecommunications network, the territorial restrictions of EO 12333 do not meaningfully limit the bulk collection of U.S. person information and private communications transmitted via U.S. companies.

**AT: No Solvency – 702 Reform Does Not Address Perception**

[ ]

**[ ] Significant FISA reform solves the international perception of NSA and mitigates the fear-driven data localization agenda.**

**Hill, 2014**

(Technology policy consultant at Monitor 360, fellow of the Global Governance Futures 2025 program at the Brookings Institution (Jonah, "THE GROWTH OF DATA LOCALIZATION POST-SNOWDEN: ANALYSIS AND RECOMMENDATIONS FOR U.S. POLICYMAKERS AND BUSINESS LEADERS" p.30)

The primary justification raised in favor of data localization policies is the need to protect citizens and companies from government surveillance of the like orchestrated by the NSA. While the U.S. government should not compromise what it perceives as essential national security objectives in the face of threats to American businesses (especially in light of the hypocrisy involved in some of those threats), it should nevertheless seriously address the concerns of the international community. Specifically, the U.S. can start by adopting some of the important recommendations of the President Review Group on Communications and Technologies, in particular, "Chapter IV: Reforming Foreign Intelligence Surveillance Directed at Non-United States Person," recommendations 12-15, focusing on reforming section 702 of the Foreign Intelligence Surveillance Act, such as applying the 1974 Privacy Act to non- U.S. persons. These are serious recommendations, and their implementation ought to go a long way towards reducing (though surely not eliminating) international concerns over the surveillance policies of the United States. Implementation will demonstrate a willingness on the part of the U.S. government to respect global opinion and to impose limits on the reach of its intelligence agencies.

**AT: No Solvency – Circumvention**

[ ]

[ ] **The NSA will comply.****De, 2014**

(General Counsel, National Security Agency, Rajesh, “The NSA and Accountability in an Era of Big Data”, JOURNAL OF NATIONAL SECURITY LAW & POLICY, 2014, p.8-10//DM)

Finally, NSA traditionally has maintained a strong culture of compliance among its workforce. Employees receive basic mandatory training on NSA’s legal authorities and the procedures that ensure the protection of privacy rights. Personnel also must receive refresher training throughout their career at NSA. Follow-on training can include highly specialized legal and compliance training focused on the specific requirements of the employee’s assigned mission. NSA has also proactively established a corporate Director of Compliance to help ensure that legal, technical, and operational requirements of the mission remain aligned. NSA’s compliance efforts draw from best practices across industry (such as IT security and other heavily regulated industries like healthcare). NSA is actively engaging with the broader compliance community to partner, to share best practices, and to understand emerging trends.

**AT: Solvency Turn – Domestic Only**

[ ]

**[ ] Protections against domestic surveillance are sufficient to draw a sharp distinction between democracies and authoritarian governments.**

**Fontaine, 2014**

(President of the Center for a New American Security; was foreign policy advisor to Senator John McCain for more than five years; Worked at the State Department, the National Security Council and the Senate Foreign Relations Committee; was associate director for near Eastern affairs at the National Security Council; B.A. in International Relations from Tulan University (Richard, "Bringing Liberty Online; Reenergizing the Internet Freedom Agenda in a Post-Snowden Era", Center for a New American Security, September 18, 2014, [http://www.cnas.org/sites/default/files/publications-pdf/CNAS\\_BringingLibertyOnline\\_Fontaine.pdf](http://www.cnas.org/sites/default/files/publications-pdf/CNAS_BringingLibertyOnline_Fontaine.pdf))

Reenergizing the Internet freedom agenda begins with acknowledging that the United States must promote that agenda even as it continues to engage in electronic surveillance aimed at protecting national security. The U.S. government will simply have to endure some significant amount of continuing criticism and opposition. At the same time, it should continue to draw a sharp distinction between surveillance for national security purposes (in which all governments engage) and monitoring as a means of political repression (which democracies oppose). To those who see no distinction between American surveillance and that of autocracies, government officials should point out that key legal guarantees matter: the U.S. Constitution's first amendment protects against censorship and political repression at home, while in autocratic systems such safeguards are nonexistent or not enforceable.<sup>49</sup>



# **NSA PRISM**

## **Negative**

## NSA PRISM Negative – Table of Contents

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## **Summary**

The NSA PRISM Negative position responds to the arguments made by the Affirmative team in support of its plan to eliminate certain loopholes by requiring domestic surveillance to only occur under the guidelines of section 702 of the FISA Amendments Act. The Negative position attacks the Affirmative position in a few ways.

The Negative position discusses the problems highlighted by the Affirmative team and either denies that they exist or denies that they are as severe as the Affirmative team claims. The evidence asserts that impacts of cloud computing on U.S. technological leadership are overblown, and it extends that assertion by saying that the impact of the NSA surveillance doesn't even undermine cloud computing on a large scale. The Negative team also suggests that existing oversight already is in place to reduce and prevent NSA abuse of current policies. Furthermore, the Obama Administration has taken steps using Executive Orders and public statements to increase government oversight of its own domestic surveillance and has promised that the scope of surveillance will continue to become more limited.

The Negative evidence also allows for a team to attack the way in which the plan solves the problems highlighted by the Affirmative team. Evidence of this type explains that the fundamental mistrust about U.S. surveillance in the international community is of the PRISM program and the NSA. Simply enacting regulations to restrict the NSA will not remove a fundamental distrust of the agency or its intentions. It is clear both internationally and domestically that the NSA has intentionally circumvented regulations and exploited loopholes before and that they would not hesitate to do so again. Lastly, the evidence explains that focusing only on fixing domestic surveillance loopholes would still leave perceptions of foreign abuse unaddressed.

## Glossary

**Authoritarianism** – The indefinite political rule of the ruler or ruling party (often in a single-party state) or other authority.

**Cloud-Computing** – The practice of using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer.

**Data Localization** – A government's requirement that foreign companies store domestic citizens' data within the country's borders.

**EO 12333** – Executive Order 12333 – Signed on December 4, 1981 by U.S. President Ronald Reagan, extends powers and responsibilities of U.S. intelligence agencies and directs the leaders of U.S. federal agencies to co-operate fully with CIA requests for information. The document has been employed by the National Security Agency as legal authorization for its secret systematic collection of unencrypted information flowing through the data centers of internet communications giants Google and Yahoo!

**Hegemony** – The political, economic, or military predominance or control of one state over others. It can be argued that the United States is the global hegemon, and dominates all other states.

**Internet Freedom Agenda** – A foreign policy priority for the United States, that focuses on preserving open Internet across the world, as well as promoting the deployment of broadband communications across the world, free of government censorship

**National Security Agency** – An intelligence organization of the United States government, responsible for global monitoring, collection, and processing of information and data for foreign intelligence and counterintelligence purposes – a discipline known as signals intelligence (SIGINT).

**PRISM** – A secret surveillance program under which the United States National Security Agency (NSA) collects internet communications from at least nine major US internet companies. Since 2001 the United States government has increased its scope for such surveillance, and so this program was launched in 2007.

**Section 702** – Part of the FISA Amendments Act of 2008 that permits the Attorney General and the Director of National Intelligence to jointly authorize targeting of persons reasonably believed to be located outside the United States, but is limited to targeting non-U.S. persons. Once authorized, such acquisitions may last for periods of up to one year. Section 702 authorizes foreign surveillance programs by the National Security Agency like PRISM and some earlier data collection activities which were previously authorized under the President's Surveillance Program from 2001.

**FISA** – Foreign Intelligence Surveillance Act of 1978 – A United States federal law which prescribes procedures for the physical and electronic surveillance and collection of "foreign intelligence information" between "foreign powers" and "agents of foreign powers" (which may include American citizens and permanent residents suspected of espionage or terrorism). It has been repeatedly amended since the September 11 attacks.

**No Harms – Cloud Computing Insignificant**

[ ]

**[ ] Their cloud computing impacts are overblown. There's no way that loss of cloud computing would destroy technological competitiveness.**

**Weise, 2015**

(Elizabeth, "PRISM revelations didn't hit U.S. cloud computing as hard as expected" 4/7, <http://americasmarkets.usatoday.com/2015/04/07/prism-revelations-didnt-hit-u-s-cloud-computing-as-hard-as-expected/>)

When Edward Snowden revealed the extent of the U.S. National Security Agency's PRISM spying program, there were concerns that American cloud, hosting and outsourcing businesses would lose customers running to non-U.S.-based companies safe from NSA's prying eyes. "The assertion was that this would be a death blow to U.S. firms trying to operating in Europe and Asia," said Forrester Research analyst Ed Ferrara. But two recent reports from Forrester find it was less catastrophic than expected. That's good news for companies like Box (BOX), DropBox and others that make their money by selling U.S.-based data storage. Forrester had originally predicted U.S. companies could lose as much as \$180 billion in sales. Instead, just 29% of technology decision-makers in Asia, Canada, Europe and Latin America halted or reduced spending with U.S.-based firms offering Internet-based services due to the PRISM scandal, Forrester's Business Technographics Global Infrastructure Survey for 2014 found "It's a relatively small amount of data," Ferrara said. That's because most of the companies didn't need to move all their data, much of which was stored in-house. Instead, only 33% of the data held by that 29% of companies was at a third-party data center or in a cloud system. Forrester believes the overall loss to U.S. cloud providers for 2015 will be about \$15 billion and in 2016, \$12 billion, a far cry from projections that were ten times that a year ago. Forrester also found that companies are looking at other ways to protect the integrity of their data, not just from the NSA but also from surveillance by other nations. Chief among them was encryption. Eighty-four percent of the companies said they're using various encryption methods to protect sensitive material. The survey's definition of cloud providers is broad, and includes both platform as a service, infrastructure as a service and software as a service companies, said Ferrara.

## No Harms – Existing Oversight

Existing oversight checks NSA overreach.

### **Cordero, 2014**

(Carrie F. Cordero is the Director of National Security Studies at Georgetown University Law Center (“Fear vs. Facts: Exploring the Rules the NSA Operates Under” 6/13, <http://www.cato-unbound.org/2014/06/13/carrie-f-cordero/fear-vs-facts-exploring-rules-nsa-operates-under>)

So how do we know that this system of approvals is followed? Is the oversight over NSA’s activities meaningful, or “decorative,” as Sanchez suggests? It is worth exploring. Here is how oversight of the Section 702 surveillance works, as one example, since it has been the subject of a significant part of the debate of the past year. Section 702 was added to FISA by the FISA Amendments Act of 2008. It authorizes the NSA to acquire the communications, for foreign intelligence purposes, of non-U.S. persons reasonably believed to be outside the United States. These are persons with no Constitutional protections, and yet, because the acquisition requires the assistance of a U.S. electronic communications provider, there is an extensive approval and oversight process. There is a statutory framework. Specifically, the Attorney General and Director of National Intelligence jointly approve certifications. According to declassified documents, the certifications are topical, meaning, the way the statute is being implemented, the certifications are not so specific that they identify individual targets; but they are not so broad that they cover any and everything that might be foreign intelligence information. The certifications are filed with the FISC, along with targeting and minimization procedures. Targeting procedures are the rules by which NSA selects valid foreign intelligence targets for collection. Minimization procedures are rules by which NSA handles information concerning U.S. persons. The FISC has to approve these procedures. If it does not approve them, the government has to fix them. The Court reviews these procedures and processes annually. The Court can request a hearing with government witnesses (like senior intelligence officials, even the NSA Director, if the judge wanted or needed to hear from him personally) or additional information in order to aid in its decision-making process. Information about the 702 certifications is reported to the Congressional intelligence committees. Once the certifications are in effect, attorneys from the Department of Justice’s (DOJ) National Security Division and attorneys and civil liberties officials from the Office of the Director of National Intelligence (ODNI) review the NSA’s targeting decisions and compliance with the rules. They conduct reviews at least every 90 days. During that 90-day period, oversight personnel are in contact with NSA operational and compliance personnel. Compliance incidents can be discovered in one of at least two ways: the NSA can self-report them, which it does; or the DOJ and ODNI oversight personnel may discover them on their own. Sometimes the NSA does not report a compliance incident in the required timeframe. Then the time lag in reporting may become an additional compliance incident. The DOJ and ODNI compliance teams write up semi-annual reports describing the results of their reviews. The reports are approved by the Attorney General and Director of National Intelligence and provided to the FISC and to Congress. According to the one report that has been declassified so far, in August 2013, for a six-month period in 2012, the rate of error for the NSA’s compliance under Section 702 collection was .49% - less than half of one percent. If we subtract the compliance incidents that were actually delays in reporting, then the noncompliance rate falls to between .15-.25% - less than one quarter of one percent. Hardly an agency run amok.

**No Harms – NSA Surveillance Insignificant**

[ ]

**[ ] They have no access to the internal links for technological leadership. NSA surveillance doesn't undermine cloud computing.**

**Henderson, 2015**

(Nicole, "Impact of NSA Surveillance on US Cloud Providers Not as Bad as We Thought: Forrester" 4/9, <http://www.thewhir.com/web-hosting-news/impact-nsa-surveillance-us-cloud-providers-not-bad-thought-forrester>)

It's been two years since Edward Snowden leaked details of the NSA's PRISM surveillance program, and although analysts predicted an exodus from US-based cloud and hosting services in response to the revelations, it hasn't exactly worked out that way, a new report finds. Forrester released a new report last week that suggests concerns around international customers severing ties with US-based hosting and cloud companies "were overblown." "Lost revenue from spending on cloud services and platforms comes to just over \$500 million between 2014 and 2016. While significant, these impacts are far less than speculated, as more companies reported taking control of security and encryption instead of walking away from US providers," Forrester's principal analyst serving security and risk professionals Edward Ferrara said in a blog post.

Snowden recently told a crowd of cloud and hosting providers that use of encryption is growing, and encrypted traffic has doubled since 2013. In 2013, Forrester predicted that US cloud providers could lose up to \$180 billion in business by 2016 due to concerns around the scope of NSA's PRISM program. According to NextGov, Forrester finds that 26 percent of enterprises based in Asia Pacific, Canada, Europe and Latin America have stopped or reduced their spending with US-based firms for Internet-based services. Thirty-four percent said these concerns were related to fears of US surveillance, while others said they want to support businesses in their own country, or data sovereignty rules prevent them from storing data abroad. Forrester surveyed more than 3,000 businesses between June and July 2014. More than half of respondents said that they did not trust US-based outsourcers to handle sensitive information, with only 8 percent reporting to trust their company's intellectual property with a US-based outsourced company. Ninety-percent of decision-makers have taken steps to encrypt their data, according to the report.

**No Harms – Obama’s Policy Solves**

[ ]

**[ ] Obama has promised the global audience that US surveillance will have oversight and be limited in scope.**

**Margulies, 2014**

(Professor of Law, Roger Williams University School of Law (“CITIZENSHIP, IMMIGRATION, AND NATIONAL SECURITY AFTER 9/11: THE NSA IN GLOBAL PERSPECTIVE: SURVEILLANCE, HUMAN RIGHTS, AND INTERNATIONAL COUNTERTERRORISM” 82 Fordham L. Rev. 2137, April, lexis)

Under section 702, "foreign intelligence information" that the government may acquire includes a number of grounds related to national security, such as information relating to an "actual or potential attack" or "other grave hostile acts of a foreign power or an agent of a foreign power." n18 It also includes information relating to possible sabotage n19 and clandestine foreign "intelligence activities." n20 Another prong of the definition appears to sweep more broadly, including information relating to "the conduct of the foreign affairs of the United States." n21 Despite the greater breadth of this provision, President Obama informed a domestic and global audience that U.S. intelligence agencies seek a narrow range of information centering on the national security and foreign intelligence concerns described above. n22 While the U.S. intelligence agencies acquire a substantial amount of data that does not fit under these rubrics, the president's speech confirmed that U.S. analysts do not rummage through such data randomly or for invidious purposes. n23 A scatter-shot approach of this kind would be unethical, illegal, and ineffective. Instead, NSA officials query communications using specific "identifiers" such as phone numbers and email addresses that officials reasonably believe are used by non-U.S. persons abroad to communicate foreign intelligence information. n24 The government must also have in place minimization procedures to limit the acquisition, retention, and dissemination of nonpublic information about U.S. persons. n25 The NSA deletes all irrelevant content, including content from non-U.S. persons, after five years. n26



**No Harms – XO 12333 Has Safeguards**

[ ]

**[ ] Obama's Executive Order 12333 provides international safeguards against abuse.****Margulies, 2014**

(Professor of Law, Roger Williams University School of Law ("CITIZENSHIP, IMMIGRATION, AND NATIONAL SECURITY AFTER 9/11: THE NSA IN GLOBAL PERSPECTIVE: SURVEILLANCE, HUMAN RIGHTS, AND INTERNATIONAL COUNTERTERRORISM" 82 Fordham L. Rev. 2137, April, lexis)

In acknowledging the "legitimate privacy interests" of both U.S. and non-U.S. persons, President Obama affirmed the U.S. commitment to core principles in January 2014. n27 First, he narrowed the operating definition of [\*2142] foreign intelligence information, limiting it to "information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists." n28 In addition, he asserted that the NSA would engage in bulk collection of communications for purposes of "detecting and countering" terrorism, espionage, nuclear proliferation, threats to U.S. forces, and financial crimes, including evasion of duly enacted sanctions. n29 Addressing anticipated concerns that these limits still left the NSA with too much discretion, President Obama declared what the United States would not do. First, it would not collect communications content "for the purpose of suppressing or burdening criticism or dissent, or for disadvantaging persons based on their ethnicity, race, gender, sexual orientation, or religion." n30 Second, it would disseminate and store information regarding any person based on criteria in section 2.3 of Executive Order 12,333 n31: cases involving "foreign intelligence or counterintelligence," public safety, or ascertainment of a potential intelligence source's credibility. n32

Of course, President Obama's speech did not quell the complaints of NSA critics. One could argue that even the description the president provided has legal flaws under domestic and/or international law. One can also argue that the president's policy directive, statutory provisions, and case law cannot wholly eliminate the possibility of systemic or individual abuse of NSA authority. That said, there are compelling reasons for treating the president's speech and directive as an authoritative and binding statement of U.S. policy. The most compelling reason may be the simplest: no American president has ever been so forthright on the subject of intelligence collection, and few heads of state around the globe have ventured down the path that President Obama chose. n33 That alone counsels treating President Obama's guidance as more than "cheap talk."

## No Solvency – 702 Reform Does Not Address Perception

[ ] Section 702 limit doesn't resolve perception—the fundamental issue is fear of PRISM.

### Granick, 2013

(Civil liberties director for the Center for Internet and Society at Stanford Law School (Jennifer, "REFORMING FISA: A CRITICAL LOOK AT THE WYDEN/UDALL PROPOSAL AND FOREIGN SURVEILLANCE" 9/30, <http://cyberlaw.stanford.edu/publications/reforming-fisa-critical-look-wydenudall-proposal-and-foreign-surveillance>)

Place stronger statutory limits on the use of unlawfully collected information. These are critical reforms. I would like to see the bill further include a higher standard of care with regards to ensuring that people inside the U.S. are not targeted. As Professor Christopher Sprigman and I argued in the New York Times, PRISM is designed to produce at least 51 percent confidence in a target's "foreignness" — as John Oliver of "The Daily Show" put it, "a coin flip plus 1 percent." In other words, 49 percent of the time the NSA may be acquiring information it is not allowed to have, even under the terrifyingly broad auspices of the FAA. More fundamentally, though, the Wyden/Udall bill does not fully address a fundamental problem with the FAA, which is that it authorizes surveillance of average citizens of other countries for reasons that are not necessarily related to the security of the United States. Senator Udall acknowledged in the press conference announcing the bill (at 30:17) that the NSA's unfettered spying has had and will continue to have an adverse economic effect on U.S.-based businesses, and that this is one of the motivations behind the bill. Prohibiting "about the target" collection is one giant step forward. That would mean that non-targets outside the U.S. could not be subject to surveillance under this law just because they talk about a target, unless their conversation is related to terrorism. Depending on the details of the targeting and minimization procedures, if my British friend in London and I email about our dismay over the Kenya attacks, that would be fair game, but our conversation about the policies of Brazilian President Dilma Rouseff would be off limits. However, targets still need not be agents of foreign powers so long as a significant purpose of the collection is foreign intelligence. Foreign intelligence is broad, and includes any information that "relates to" the conduct of U.S. foreign affairs. For example, DNI James Clapper affirmed that the U.S. collects information about economic and financial matters to "provide the United States and our allies early warning of international financial crises which could negatively impact the global economy ... or to provide insight into other countries' economic policy or behavior which could affect global markets." Monitoring economic and financial matters is in the United States' national interest. However, routine eavesdropping upon common foreigners to discover information about these matters is a bad idea. First, foreigners have privacy rights, too. Freedom from arbitrary interference with one's privacy is part of the Universal Declaration of Human Rights. Next, this monitoring is detrimental to U.S. companies and to the United States' long-term interests in promoting democratic ideals. As Sprigman and I argue, although it may be legal, unfettered U.S. spying on foreigners will cause serious collateral damage to America's technology companies, to our Internet-fueled economy, and to human rights and democracy the world over. Since our Atlantic article on June 28th, and the disclosure that the NSA targeted both Petrobras and President Dilma Rouseff, Brazil has announced that it will look into requiring Internet companies to store its citizens' data locally, and take other steps that threaten to balkanize the global Internet. When Brazil takes these steps, it gives comfort and cover to authoritarian countries who will do the same, so that they can better censor, spy on, and control Internet access within their own borders.

**No Solvency – Circumvention**

[ ]

**[ ] Circumvention of the plan is inevitable. The NSA will do what it can to continue spying.****Redmond, 2014**

(J.D. Candidate, 2015, Fordham University School of Law (Valerie, "I Spy with My Not So Little Eye: A Comparison of Surveillance Law in the United States and New Zealand" FORDHAM INTERNATIONAL LAW JOURNAL [Vol. 37:733

In the United States, the current state of surveillance law is a product of FISA, its amendments, and its strictures. An evaluation of US surveillance law proves that inherent loopholes undercut FISA's protections, which allows the US Government to circumvent privacy protections.<sup>182</sup> The main problems are the insufficient definition of surveillance, the ability to spy on agents of foreign powers, the lack of protection against third party surveillance, and the ability to collect incidental information.<sup>183</sup> First, a significant loophole arises in the interpretation of the term "surveillance."<sup>184</sup> In order for information collection to be regulated by FISA, it must fall under FISA's definition of surveillance.<sup>185</sup> This definition does not apply to certain National Security Letters, which are secret authorizations for the Federal Bureau of Investigation ("FBI") to obtain records from telephone companies, credit agencies, and other organizations if they merely certify that the information is relevant to an international terrorism investigation.<sup>186</sup> National Security Letters are regularly used to circumvent FISA's warrant procedures.<sup>187</sup> Additionally, FISA's definition of surveillance is antiquated because it distinguishes between data acquired inside of the United States and outside of the United States.<sup>188</sup> This distinction allows the NSA to process surveillance that is received from other countries irrespective of whether the target is a US citizen.<sup>189</sup> Therefore, the NSA is unrestrained when a communication is not physically intercepted within the United States.<sup>190</sup> Second, an issue arises when US citizens are construed to be agents of foreign powers under FISA because a warrant can be issued to engage in surveillance against them.<sup>191</sup> According to FISA's procedures, the only way to spy on a US citizen is when they can be considered to be an agent of a foreign power, or engaged in information gathering, aiding, or abetting a foreign power.<sup>192</sup> However, this limitation does not result in total privacy protection because it only requires probable cause that a person is an agent of a foreign power, not that a crime is being committed.<sup>193</sup> The effect of this ability is that the US Government can conduct surveillance on a US citizen with no ties to terrorism such as a suburban mother telling her friend that her son "bombed" a school play.<sup>194</sup> Furthermore, FISA is limited to protecting against surveillance by the US Government; it does not create a reasonable expectation of privacy for individuals from surveillance by a third party.<sup>195</sup> This rule is exploited by the United States' participation in Echelon.<sup>196</sup> Because US law generally does not regulate information sharing, the United States essentially violates the privacy rights of US citizens by accepting information from foreign intelligence agencies about potential threats involving US citizens.<sup>197</sup> Thus, the lack of privacy rights when US citizens are spied on by agencies outside of the United States creates a loophole for spying on US citizens without the government restrictions created by existing law.<sup>198</sup>

## Solvency Turn – Domestic Only

### 1. The domestic-only limitation of the plan wrecks any chance of solvency.

#### Kehl, 2014

(Policy Analyst at New America's Open Technology Institute (Danielle, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity" July, <https://www.newamerica.org/oti/surveillance-costs-the-nsas-impact-on-the-economy-internet-freedom-cybersecurity/>)

The U.S. government has already taken some limited steps to mitigate this damage and begin the slow, difficult process of rebuilding trust in the United States as a responsible steward of the Internet. But the reform efforts to date have been relatively narrow, focusing primarily on the surveillance programs' impact on the rights of U.S. citizens. Based on our findings, we recommend that the U.S. government take the following steps to address the broader concern that the NSA's programs are impacting our economy, our foreign relations, and our cybersecurity: 1. Strengthen privacy protections for both Americans and non-Americans, within the United States and extraterritorially. 2. Provide for increased transparency around government surveillance, both from the government and companies. 3. Recommit to the Internet Freedom agenda in a way that directly addresses issues raised by NSA surveillance, including moving toward international human-rights based standards on surveillance. 4. Begin the process of restoring trust in cryptography standards through the National Institute of Standards and Technology. 5. Ensure that the U.S. government does not undermine cybersecurity by inserting surveillance backdoors into hardware or software products. 6. Help to eliminate security vulnerabilities in software, rather than stockpile them. 7. Develop clear policies about whether, when, and under what legal standards it is permissible for the government to secretly install malware on a computer or in a network. 8. Separate the offensive and defensive functions of the NSA in order to minimize conflicts of interest.

### 2. And it turns the case. The domestic-only stipulation expands perceptions of foreign abuse.

#### Chandler and Le, 2015

(Director, California International Law Center, Professor of Law and Martin Luther King, Jr. Hall Research Scholar, University of California, Davis; A.B., Harvard College; J.D., Yale Law School AND \*\*Free Speech and Technology Fellow, California International Law Center; A.B., Yale College; J.D., University of California, Davis School of Law (Anupam and Uyen, "DATA NATIONALISM" 64 Emory L.J. 677, lexis)

First, the United States, like many countries, concentrates much of its surveillance efforts abroad. Indeed, the Foreign Intelligence Surveillance Act is focused on gathering information overseas, limiting data gathering largely only when it implicates U.S. persons. n174 The recent NSA surveillance disclosures have revealed extensive foreign operations. n175 Indeed, constraints on domestic operations may well have spurred the NSA to expand operations abroad. As the Washington Post reports, "Intercepting communications overseas has clear advantages for the NSA, with looser restrictions and less oversight." n176 Deterred by a 2011 ruling by the Foreign Intelligence Surveillance Court barring certain broad domestic surveillance of Internet and telephone traffic, n177 the NSA may have increasingly turned its attention overseas.

# **Nationalized Internet Disadvantage**

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## **Summary**

There is a global fight going on about who should control the internet. The United States has been a strong supporter of a totally free and open internet that has no government involvement or control. Other countries, led by China and Russia, think that the government should be able to control the internet.

The U.S. is losing the fight globally now because no one trusts us. They think our government just uses access to the internet to spy on people and secretly control it. Think about foreign governments' reactions to the revelations that U.S. intelligence agencies were spying on other heads of state. So, other countries are making moves to nationalize their internets. The plan improves US credibility – and allows us to stop other countries from nationalizing the internet.

What does “control of the internet” mean? The Chinese government has a block on certain websites. The Russian government wants to own the cables and networks that provide access to the internet. The Brazilian government wants to own the hard drives and servers where things are stored. Essentially, they want to treat the internet like it is electricity or water – regulated heavily by the government. The U.S. prefers that it be totally unregulated and free.

The disadvantage argues that nationalizing the Internet is a good thing. This disadvantage claims that the democratization advantages we would receive as a human race from a free and open internet are actually outweighed by long-term cyber-terrorism concerns. Government control prevents cyber-attacks from happening and allows each country to control their own systems. So, a person in China couldn't attack the U.S. system without the U.S. knowing who was responsible because of strict government controls – and vice versa – no one in the US could hack into a Russian system.

How does nationalized internet solve cyber-terrorism? If the Russian government controls the access point for all internet access in the country then it is able to monitor and control that internet access. It would be harder, if not impossible, for a single hacker or group of hackers to attack a website, power plant, financial institution, or other group from outside of Russia since it would be detectable. The current system is an open free-for-all that makes it more difficult to control who is looking into what anywhere in the world.

Finally, everyone receiving access to the Internet is probably a good thing for the world overall. The central clash point for this disadvantage is over the trade-off between open access for all and security.

## Glossary

**Balkanize** – to separate into groups or categories. In this instance, it refers to breaking the internet up into country-by-country sections. It is a common phrase used to describe the breaking up of something. It is a historical reference to the Balkans region of the world. Several countries were broken up from the larger Soviet Union. It is usually used by people to refer to breaking the internet up into groups. Each country would control their own internet services and access.

**Cyber** – A prefix used to describe anything that happens online. A Cyber crime would be a crime that is done online. Cyber Gambling would be gambling done online. If you read it, it is talking about the internet.

**Cyber-terror** – committing an act of terror online. Any attack on a government website, an attempt to gain access to a power plant, or to just generally be violent and destructive is considered cyber-terror. The phrase is very broad as the Department of Defense says they experience 60,000 or more cyber-terror attempts a day.

**Cyberwar** – use of an attack on someone's internet access or services during a time of war. Estonia is usually the example. During an invasion, Russia hacked into the Estonians internets and shut them down. This act is often called cyberwar. There are also instances of people saying "cyberwar" to reference fighting and hacking that is going on between countries.

**DOD** – Department of Defense – the cabinet of the United States that is in charge of the military branches and answers to the President. Referenced in a few cards.

**ICANN** – the group that is in charge of maintaining all domain names on the internet. Established by the U.S., ICANN is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable  
<https://www.icann.org/>

**ITU** - International Telecommunication Union – the United Nations specialized agency for information and communication technologies. It is the group that would be given control over the internet internationally – <http://www.itu.int/en/Pages/default.aspx>

**Multi-stakeholder** – the ICANN and US supported model for the internet. Every group can control and contribute to the internet without government interference. The idea is that Internet governance should mimic the structure of the Internet itself- borderless and open to all.

**Nationalize** – when the government takes over something it is nationalized. Health care literature will often reference 'nationalizing health care.' This disadvantage will use it to discuss the internet. When the government regulates, controls, and is in charge of something it is said to be nationalized.

**Partitioned** – separated into parts. When a room is partitioned it is divided into parts. If the internet were nationalized it would be partitioned between countries.



**1NC Shell (1/4)**

**A. Uniqueness – Nationalization of the internet is coming now.**

**Wall Street Journal, 2014**

(Steve Rosenbush, The Morning Download: Nationalization of Internet Continues as Germany Hangs Up on Verizon, <http://blogs.wsj.com/cio/2014/06/27/the-morning-download-nationalization-of-internet-continues-as-germany-hangs-up-on-verizon/>)

Good morning. The nationalization of the Internet continues apace. The German government said on Thursday it would end a contract with Verizon Communications Inc. because of concerns that the U.S. National Security Agency had access to customer data maintained by U.S. telecommunications firms, the WSJ's Anton Troianovski reports. Verizon has provided Internet access and other telecom services to government agencies in Germany. Those contracts will be transferred to Deutsche Telekom AG by 2015, the Interior Ministry said. As the WSJ reports, the move underscores the continuing political headaches for U.S. technology businesses operating abroad, more than a year after former National Security Agency contractor Edward Snowden started revealing the reach of America's electronic surveillance programs and the alleged cooperation with some U.S. firms. CIOs are on the front lines of the dilemma. To the extent that more businesses are pressured to aid in government surveillance, CIOs should at the very least have a say in how those efforts will work. While those decisions will be made at the CEO and board level, the CIO can help frame the issues by engaging directly with a company's senior leadership. Their perspective is critical in an area where technology, business and global politics converge.

**1NC Shell (2/4)**

**B. Link – NSA surveillance is the key reason that will derail the US Internet Freedom agenda. The plan reverses that and resumes the agenda.**

**Kehl, 2014**

(Policy Analyst at New America's Open Technology Institute (Danielle, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity" July, <https://www.newamerica.org/oti/surveillance-costs-the-nsas-impact-on-the-economy-internet-freedom-cybersecurity/>)

Mandatory data localization proposals are just one of a number of ways that foreign governments have reacted to NSA surveillance in a manner that threatens U.S. foreign policy interests, particularly with regard to Internet Freedom. There has been a quiet tension between how the U.S. approaches freedom of expression online in its foreign policy and its domestic laws ever since Secretary of State Hillary Clinton effectively launched the Internet Freedom agenda in January 2010.<sup>170</sup> But the NSA disclosures shined a bright spotlight on the contradiction: the U.S. government promotes free expression abroad and aims to prevent repressive governments from monitoring and censoring their citizens while simultaneously supporting domestic laws that authorize surveillance and bulk data collection. As cybersecurity expert and Internet governance scholar Ron Deibert wrote a few days after the first revelations: "There are unintended consequences of the NSA scandal that will undermine U.S. foreign policy interests – in particular, the 'Internet Freedom' agenda espoused by the U.S. State Department and its allies."<sup>171</sup> Deibert accurately predicted that the news would trigger reactions from both policymakers and ordinary citizens abroad, who would begin to question their dependence on American technologies and the hidden motivations behind the United States' promotion of Internet Freedom. In some countries, the scandal would be used as an excuse to revive dormant debates about dropping American companies from official contracts, score political points at the expense of the United States, and even justify local monitoring and surveillance. Deibert's speculation has so far proven quite prescient. As we will describe in this section, the ongoing revelations have done significant damage to the credibility of the U.S. Internet Freedom agenda and further jeopardized the United States' position in the global Internet governance debates. Moreover, the repercussions from NSA spying have bled over from the Internet policy realm to impact broader U.S. foreign policy goals and relationships with government officials and a range of other important stakeholders abroad. In an essay entitled, "The End of Hypocrisy: American Foreign Policy in the Age of Leaks," international relations scholars Henry Farrell and Martha Finnemore argue that a critical, lasting impact of information provided by leakers like Edward Snowden is "the documented confirmation they provide of what the United States is actually doing and why. When these deeds turn out to clash with the government's public rhetoric, as they so often do, it becomes harder for U.S. allies to overlook Washington's covert behavior and easier for U.S. adversaries to justify their own."<sup>172</sup> Toward the end of the essay, Farrell and Finnemore suggest, "The U.S. government, its friends, and its foes can no longer plausibly deny the dark side of U.S. foreign policy and will have to address it head-on." Indeed, the U.S. is currently working to repair damaged bilateral and multilateral relations with countries from Germany and France to Russia and Israel,<sup>173</sup> and it is likely that the effects of the NSA disclosures will be felt for years in fields far beyond Internet policy.<sup>174</sup>

## 1NC Shell (3/4)

**C. Internal Link – This is not a good thing. Without government control over the Internet, there would be no way to prevent and mitigate cyber-terrorism.**

**Baldor, Associated Press writer, 2009**

(Lolita C. Baldor, How much government control in cybercrisis?,  
[http://www.nbcnews.com/id/33038143/ns/technology\\_and\\_science-security/t/how-much-government-control-cybercrisis/#.VWXbAvIViko](http://www.nbcnews.com/id/33038143/ns/technology_and_science-security/t/how-much-government-control-cybercrisis/#.VWXbAvIViko))

There's no kill switch for the Internet, no secret on-off button in an Oval Office drawer. Yet when a Senate committee was exploring ways to secure computer networks, a provision to give the president the power to shut down Internet traffic to compromised Web sites in an emergency set off alarms. Corporate leaders and privacy advocates quickly objected, saying the government must not seize control of the Internet. Lawmakers dropped it, but the debate rages on. How much control should federal authorities have over the Web in a crisis? How much should be left to the private sector? It does own and operate at least 80 percent of the Internet and argues it can do a better job. "We need to prepare for that digital disaster," said Melissa Hathaway, the former White House cybersecurity adviser. "We need a system to identify, isolate and respond to cyberattacks at the speed of light." So far at least 18 bills have been introduced as Congress works carefully to give federal authorities the power to protect the country in the event of a massive cyberattack. Lawmakers do not want to violate personal and corporate privacy or squelching innovation. All involved acknowledge it isn't going to be easy. For most people, the Internet is a public haven for free thought and enterprise. Over time it has become the electronic control panel for much of the world's critical infrastructure. Computer networks today hold government secrets, military weapons specifications, sensitive corporate data, and vast amounts of personal information. Millions of times a day, hackers, cybercriminals and mercenaries working for governments and private entities are scanning those networks, looking to defraud, disrupt or even destroy. Just eight years ago, the government ordered planes from the sky in the hours after the Sept. 11 terrorist attacks. Could or should the president have the same power over the Internet in a digital disaster? If hackers take over a nuclear plant's control system, should the president order the computer networks shut down? If there's a terrorist attack, should the government knock users off other computer networks to ensure that critical systems stay online? And should the government be able to dictate who companies can hire and what they must do to secure the networks that affect Americans' daily life.

**1NC Shell (4/4)****D. Impact – Cyber-attacks between states would result in great power wars.****Gable, 2010**

(Adjunct Professor of Public International Law, Drexel University Earle Mack School of Law, Kelly A. Gable, Cyber-Apocalypse Now: Securing the Internet Against Cyberterrorism and Using Universal Jurisdiction as a Deterrent, Vanderbilt Journal of Transnational Law, January, 2010, 43 Vand. J. Transnat'l L. 57)

Spoofing attacks are concentrated on impersonating a particular user or computer, usually in order to launch other types of attacks. n122 Spoofing is often committed in connection with password sniffing; after obtaining a user's log-in and password, the spoofer will log in to the computer and masquerade as the legitimate user. The cyberterrorist typically does not stop there, instead using that computer as a bridge to another, hopping in this fashion from computer to computer. This process, called "looping," effectively conceals the spoofer's identity, especially because he or she may have jumped back and forth across various national boundaries. n123 Even more disturbing is the possibility of misleading entire governments into believing that another, potentially hostile government is attempting to infiltrate its networks. Imagine that a cyberterrorist perpetrates an attack on the network maintained by the U.S. Treasury and steals millions of dollars, transferring the money to his own account to be used for funding further terrorist activities. n124 He has used the spoofing technique, however, which causes the U.S. government to believe the Russian government to be behind the attack and to accuse them of the attack. The Russian government denies the accusation and is insulted at the seemingly unprovoked hostility. Tensions between the governments escalate and boil over, potentially resulting in war. Though this may be only a hypothetical example, it is frighteningly plausible. In fact, it may have been used in the attacks on U.S. and South Korean websites - the South Korean government initially was so certain that North Korea was behind the attack that it publicly accused the North Korean government, despite already tense relations. n125 Similarly, in the 2007 attack on Estonia, Estonian authorities were so certain that the Russian government was behind the attack that they not only publicly accused them but requested military assistance from NATO in responding to the attack. n126 It was later determined that Russia was not behind the attack and that at least some of the attackers were located in Brazil and Vietnam. n127

**AT: Uniqueness Overwhelms Link – NSA is Proxy**

[ ]

**[ ] The plan draws a sharp distinction between domestic and national security surveillance. This is key to the US Internet Freedom agenda's credibility.**

**Fontaine**, President of the Center for a New American Security, **2014**

(foreign policy advisor to Senator John McCain for more than five years; Worked at the State Department, the National Security Council and the Senate Foreign Relations Committee; was associate director for near Eastern affairs at the National Security Council; B.A. in International Relations from Tulan University (Richard, "Bringing Liberty Online; Reenergizing the Internet Freedom Agenda in a Post-Snowden Era", Center for a New American Security, September 18, 2014, [http://www.cnas.org/sites/default/files/publications-pdf/CNAS\\_BringingLibertyOnline\\_Fontaine.pdf](http://www.cnas.org/sites/default/files/publications-pdf/CNAS_BringingLibertyOnline_Fontaine.pdf))

The 2013 revelations of mass surveillance by the U.S. government transformed the global debate about Internet freedom. Where once Washington routinely chided foreign governments and their corporate collaborators for engaging in online censorship, monitoring and other forms of Internet repression, the tables have turned. Edward Snowden, a former National Security Agency (NSA) contractor, leaked thousands of documents revealing America's most secret electronic surveillance programs, unleashing a tidal wave of criticism and charges of hypocrisy, many directed at some of the very U.S. officials who have championed online freedom. America's Internet freedom agenda – the effort to preserve and extend the free flow of information online – hangs in the balance.<sup>1</sup> Already a contested space, the Internet after the Snowden revelations has become even more politically charged, with deep international divisions about its governance and heated battles over its use as a tool of political change. With 2.8 billion Internet users today, and several billion more expected over the next decade, the contest over online freedom grows more important by the day.<sup>2</sup> As an ever-greater proportion of human activity is mediated through Internet-based technologies, the extent of online rights and restrictions takes on an increasingly vital role in political, economic and social life.<sup>3</sup> Despite the many complications arising from the Snowden disclosures, America still needs a comprehensive Internet freedom strategy, one that tilts the balance in favor of those who would use the Internet to advance tolerance and free expression, and away from those who would employ it for repression or violence.<sup>4</sup> It will need to pursue this strategy while drawing a sharp distinction between surveillance for national security purposes (in which all governments engage) and monitoring as a means of political repression (which democracies oppose). This is not an easy task, but it is an important one. More than a year after the first Snowden revelations emerged, now is the time to reenergize the Internet freedom agenda.

## AT: Uniqueness Overwhelms Link – Nationalization Inevitable

[ ]

[ ] The nationalization going on now is reversible.

### **Gelb, 2010**

(Prof-Business & Economic-UH, "Getting Digital Statecraft Right," Foreign Affairs, 7/28, <http://www.foreignaffairs.com/articles/66502/betsy-gelb-and-emmanuel-yujuico/getting-digital-statecraft-right>)

All these cases share the same fallacy -- that U.S.-directed methods can spur development in other nations. But U.S. policies seeking to extend freedom through technology can be successful -- if the United States refrains from acting in ways that seem less than sincere, and if it adopts a gradual, rather than transformative, approach. U.S. protests against censorship would seem more convincing if it were not for its own policies restricting Internet freedom. Consider, for example, the United States' questionable prohibition of cross-border trade in Internet gambling. In 2004, the World Trade Organization ruled in favor of Antigua and Barbuda against the United States when the United States banned online gambling services emanating from the twin-island nation. The United States appealed the case and lost, but in the meantime, Antigua's online gambling industry was virtually destroyed. The United States still has not yet satisfactorily resolved this ruling and should do so by conforming to it.

**AT: No Impact – Cyber-Terror Overblown**

[ ]

**[ ] Cyberwar is likely & will be huge—civilians are fair ground.****Kesan & Hayes 2012**

(Professor, H. Ross & Helen Workman Research Scholar, and Director of the Program in Intellectual Property & Technology Law, University of Illinois College of Law. \*\* Research Fellow, University of Illinois College of Law [Jay P. Kesan\* and Carol M. Hayes\*\*, MITIGATIVE COUNTERSTRIKING: SELF-DEFENSE AND DETERRENCE IN CYBERSPACE, Spring, 2012, Harvard Journal of Law & Technology, 25 Harv. J. Law & Tec 415)

Many academics and political figures have weighed in on the potential for cyberwarfare. Nikolai Kuryanovich, a Russian politician, wrote in 2006 he expects that in the near future many conflicts will take place in cyberspace instead of traditional war environments. n171 [\*443] Some commentators have asserted that cyberspace provides potential asymmetric advantages, which may be utilized by less powerful nations to exploit the reliance of the United States on information infrastructure. n172 Specifically, China recognizes the value of cyberwarfare, n173 and its military includes "information warfare units." n174 Meanwhile, Russia has a cyberwarfare doctrine that views cyberattacks as force multipliers, and North Korea's Unit 121 focuses solely on cyberwarfare. n175 Many suspect that the Russian government conducted the cyberattacks against Estonia, Georgia, and Kyrgyzstan, though the Russian government's involvement has not been proven. n176 Estimates suggest there are currently 140 nations that either have or are developing cyberwarfare capabilities. n177 It is fair to say that preparations are underway to make cyberwarfare a viable alternative to physical warfare, and that policymakers are recognizing the applicability of the laws of war to the cyber context. n178 The effects of these changes on the private sector cannot be ignored. The line between the government and the private sector on cyberwar matters is blurred. Dycus notes that the federal government has at times delegated to private companies the task of operating cyber technology for the purpose of collecting and analyzing intelligence. n179 Because of the degree to which the private sector is involved with cyber infrastructure, many commentators have observed that the private sector will likely be heavily implicated by future cyberwars. n180 [\*444] This overlap between civilian and military roles may prove problematic. Some commentators express concerns that cyberwarfare may erode the distinction between combatants and noncombatants under international law, which currently protects noncombatants. n181 The degree to which conventional war doctrine applies to cyberwar is not yet clear. Some commentators argue that because of this uncertainty, aggressive countries may have carte blanche to launch cyberattacks against civilian targets in a manner that would be impermissible under the laws of kinetic war. n182 Given the importance of civilian targets in the cyberwar context, Brenner and Clarke suggest using a form of conscription to create a Cyberwar National Guard consisting of technologically savvy citizens to better protect CNI. n183 Indeed, one of the focuses of any national cybersecurity program should be on protecting CNI -- the topic to which we now turn.

**AT: Impact Turn – Democracy**

[ ]

**[ ] Internet freedom wrecks democracy and information overload prevents stable transitions.**

**Morozov, 2012**

(Contributing editor at The New Republic and author of two books ; has written for The New York Times, The Economist, The Wall Street Journal, Financial Times, London Review of Books, Times Literary Supplement (Evgeny, The Net Delusion: The Dark Side of Internet Freedom, p. 271)

It may be that what we gain in the ability to network and communicate, we lose in the inevitable empowerment of angry online mobs, who are well-trained to throw “data grenades” at their victims. This may be an acceptable consequence of promoting Internet freedom, but we’d better plan ahead and think of ways in which we can protect the victims. It’s irresponsible to put people’s lives on the line while hoping we can deal at some later point with the consequences of opening up all the networks and databases. That the excess of data can pose a danger to freedom and democracy as significant as (if not more significant than) the lack of data has mostly been lost on those cheerleading for Internet freedom. This is hardly surprising, for this may not be such an acute problem in liberal democracies, where the dominant pluralist ideology, growing multiculturalism, and a strong rule of law mitigate the consequences of the data deluge. But most authoritarian or even transitional states do not have that luxury. Hoping that simply opening up all the networks and uploading all the documents would make a transition to democracy easier or more likely is just an illusion. If the sad experience of the 1990s has taught us anything, it’s that successful transitions require a strong state and a relatively orderly public life. The Internet, so far, has posed a major threat to both.



**AT: Impact Turn – Destroys Economic Growth**

[ ]

**[ ] Collapses US economic growth – major attack on infrastructure.****Opderbeck, Professor of Law, Seton Hall University Law School, 2012**

(David W. Opderbeck, Cybersecurity and Executive Power, Washington University Law Review, 89 Wash. U. L. Rev. 795)

In fact, cyberspace was in many ways the front line of the Egyptian revolution. Although Mubarak apparently lacked the support among the Egyptian military for sustained attacks on civilians, he waged a desperate last-gasp battle to shut down access to the Internet so that organizers could not effectively communicate with each other, the public, or the outside world. n5 Could a similar battle over cyberspace be waged in developed democracies, such as the United States? Policymakers in the West are justifiably concerned about cyberattacks, cyberterrorism, and the possibility of cyberwar. The raging question is whether a democratic state governed by constitutional principles and committed to free speech and private property rights can promote cybersecurity without destroying the Internet's unique capacity to foster civil liberties. Cyberspace is as vulnerable as it is vital. The threat is real. President Obama recently declared that "cyber threat is one of the most serious economic and national security challenges we face as a nation" and that "America's economic prosperity in the 21st century will depend on cybersecurity." n6 Cybersecurity has been described as "a major national security problem for the United States." n7 Private and public cyber-infrastructure in the United States falls under nearly constant attack, often from shadowy sources connected to terrorist groups, organized crime syndicates, or foreign governments. n8 These attacks bear the potential to disrupt not only e-mail and other online communications networks, but also the national energy grid, military-defense ground and satellite facilities, transportation systems, financial markets, and other essential [\*798] facilities. n9 In short, a substantial cyberattack could take down the nation's entire security and economic infrastructure. n10 U.S. policymakers are justifiably concerned by this threat. Existing U.S. law is not equipped to handle the problem. The United States currently relies on a patchwork of laws and regulations designed primarily to address the "computer crime" of a decade ago, as well as controversial antiterrorism legislation passed after the September 11 attacks, and some general (and equally controversial) principles of executive power in times of emergency.

## AT: Impact Turn – Destroys Internet

[ ]

[ ] Nationalization doesn't "end the Internet."

### Goldstein, 2014

(Gordon M. Goldstein, 6/25/2014. Served as a member of the American delegation to the World Conference on International Telecommunications. "The End of the Internet?" The Atlantic, <http://m.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/>)

Some experts anticipate a future with a Brazilian Internet, a European Internet, an Iranian Internet, an Egyptian Internet—all with different content regulations and trade rules, and perhaps with contrasting standards and operational protocols. Eli Noam, a professor of economics and finance at Columbia Business School, believes that such a progressive fracturing of the global Internet is inevitable. "We must get used to the idea that the standardised internet is the past but not the future," he wrote last fall. "And that the future is a federated internet, not a uniform one." Noam thinks that can be managed, in part through the development of new intermediary technologies that would essentially allow the different Internets to talk to each other, and allow users to navigate the different legal and regulatory environments.

# **Nationalized Internet Disadvantage Affirmative**

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## **Summary**

The core of the disadvantage states that the passage of the Affirmative plan would prevent the nationalization of the Internet. This might seem confusing to some people: Why would an open internet for all countries be a bad thing? The answer is a bit counter-intuitive, but we are already beginning to see empirical support for this type of position.

As the Internet becomes a resource to which everyone has access, the question is about the trade-off between the democratic ideals upon which the Internet was founded and the security of the users (both people and nations). We've seen the beginning of both personal cyber-attacks on individuals, as well as state-sponsored cyber-attacks on other nations. There are allegations that China has attacked us and they allege that we have attacked them.

While the Negative argues that we should nationalize the internet to protect our infrastructure, the Affirmative needs to weigh the impacts of Internet democratization against those of security interests. In general, this could be done by mitigating the risks of cyber-terrorism, or arguing that the cost of robbing people of Internet freedom is not worth the benefits of security. Controlling how a judge should evaluate decision-making is key to winning this debate.

## Glossary

**Balkanize** – to separate into groups or categories. In this instance, it refers to breaking the internet up into country-by-country sections. It is a common phrase used to describe the breaking up of something. It is a historical reference to the Balkans region of the world. Several countries were broken up from the larger Soviet Union. It is usually used by people to refer to breaking the internet up into groups. Each country would control their own internet services and access.

**Cyber** – A prefix used to describe anything that happens online. A Cyber crime would be a crime that is done online. Cyber Gambling would be gambling done online. If you read it, it is talking about the internet.

**Cyber-terror** – committing an act of terror online. Any attack on a government website, an attempt to gain access to a power plant, or to just generally be violent and destructive is considered cyber-terror. The phrase is very broad as the Department of Defense says they experience 60,000 or more cyber-terror attempts a day.

**Cyberwar** – use of an attack on someone's internet access or services during a time of war. Estonia is usually the example. During an invasion, Russia hacked into the Estonians internets and shut them down. This act is often called cyberwar. There are also instances of people saying "cyberwar" to reference fighting and hacking that is going on between countries.

**DOD** – Department of Defense – the cabinet of the United States that is in charge of the military branches and answers to the President. Referenced in a few cards.

**ICANN** – the group that is in charge of maintaining all domain names on the internet. Established by the U.S., ICANN is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable  
<https://www.icann.org/>

**ITU** - International Telecommunication Union – the United Nations specialized agency for information and communication technologies. It is the group that would be given control over the internet internationally – <http://www.itu.int/en/Pages/default.aspx>

**Multi-stakeholder** – the ICANN and US supported model for the internet. Every group can control and contribute to the internet without government interference. The idea is that Internet governance should mimic the structure of the Internet itself- borderless and open to all.

**Nationalize** – when the government takes over something it is nationalized. Health care literature will often reference 'nationalizing health care.' This disadvantage will use it to discuss the internet. When the government regulates, controls, and is in charge of something it is said to be nationalized.

**Partitioned** – separated into parts. When a room is partitioned it is divided into parts. If the internet were nationalized it would be partitioned between countries.

## Uniqueness Overwhelms Link – NSA is Proxy

[ ] Mistrust of the US in general is the driving force of global data localization. Other nations were pushing for nationalization even before the NSA revelations.

### Castro and McQuinn, 2015

(Vice President of the Information Technology and Innovation Foundation and Director of the Center for Data Innovation, and Research Assistant with the Information Technology and Innovation Foundation, Daniel and Alan, Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness, Information Technology and Innovation Foundation, June 2015, [http://www2.itif.org/2015-beyond-usa-freedom-act.pdf?\\_ga=1.33178294.940386433.1435342104](http://www2.itif.org/2015-beyond-usa-freedom-act.pdf?_ga=1.33178294.940386433.1435342104))

The ability of companies — both tech and traditional — to easily share data across borders has brought a vast array of benefits to countries, companies, consumers, and economies through increased efficiency, decreased costs, and improved services. 26 And yet nations have continued to erect barriers to cloud computing and cross - border data flows, much to their own detriment. 27 While some defenders of these policies have asserted that they are designed to increase the privacy or security of their citizens' data, it is clear that they are also motivated by misguided self-interest. By creating rules that advantage domestic firms over foreign firms, many countries believe they will build a stronger domestic tech industry or gain short - term economic value, such as jobs in domestic datacenters. In reality, these policies unwittingly limit the ability of a country's own firms to innovate by shielding them from international competition. 28 These policies not only limit the number of services that a country's citizens and businesses can enjoy, but also harm that country's productivity and competitiveness. Some countries used U.S. surveillance laws to justify data protectionism even before Snowden's NSA revelations. For example, when Rackspace built data centers in Australia in 2012, an Australian competitor stirred up fears that the United States would use the Patriot Act to track Australian citizens as a means to force Rackspace out of Australia. 29 In addition, this same Australian company funded a report calling on Australian policymakers to impose additional regulations designed to put foreign cloud computing competitors at a disadvantage. 30 However, since the recent NSA revelations, the use of privacy concerns to justify protectionist barriers has grown significantly. Amid growing anti - U. S. sentiment, Europe has seen calls for data localization requirements, procurement preferences for European providers, and even a "Schengen area for data" — a system that keeps as much data in Europe as possible — as ways to promote deployment of cloud services entirely focused on the European market. 31 France and Germany have even started to create dedicated national networks: "Schlandnet" for the former and the "Sovereign Cloud" for the latter. 32 The French government has gone so far as to put € 150 million (\$200 million) into two start - ups, Numergy and Cloudwatt, to create a domestic infrastructure independent of U.S. tech giants. 33 Furthermore, some groups have invoked U.S. cyber espionage to argue that European citizens are not adequately protected and are calling for the removal of the "safe harbor" agreement — an agreement that allows Internet companies to store data outside of the European Union . Yet if this were removed it would cut Europeans off from many major Internet services.

**Uniqueness Overwhelms Link – Nationalization Inevitable**

[ ]

**[ ] Nationalization is inevitable.****Goldstein, Writer for the Atlantic, 2014**

(Gordon M. Goldstein, The End of the Internet?,

<http://www.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/>)

Some experts anticipate a future with a Brazilian Internet, a European Internet, an Iranian Internet, an Egyptian Internet—all with different content regulations and trade rules, and perhaps with contrasting standards and operational protocols. Eli Noam, a professor of economics and finance at Columbia Business School, believes that such a progressive fracturing of the global Internet is inevitable. “We must get used to the idea that the standardised internet is the past but not the future,” he wrote last fall. “And that the future is a federated internet, not a uniform one.” Noam thinks that can be managed, in part through the development of new intermediary technologies that would essentially allow the different Internets to talk to each other, and allow users to navigate the different legal and regulatory environments. Perhaps. But at a minimum, this patchwork solution would be disruptive to American companies like Google, Facebook, Amazon, and eBay, which would see their global reach diminished. And it would make international communications and commerce more costly. The U.S. government is resisting this transformation. But the Internet is simply too consequential—socially, politically, and economically—for states to readily forgo control of it, and America, as Marc Andreessen observes, has lost “the moral high ground” in the debate. Perhaps it was never realistic to expect the World Wide Web to last.



**No Internal Link – Government Control Fail**

[ ]

**[ ] Government control won't stop cyber-terror.**

**Holmes**, former assistant secretary of state & distinguished fellow at the Heritage Foundation, **2013**  
(Kim R. Holmes, Washington Times, April 17, 2013,  
<http://www.washingtontimes.com/news/2013/apr/17/holmes-staying-one-step-ahead-of-cyberattacks/>)

Imposing an old-fashioned, top-down regulatory solution as the Obama administration and some in Congress want to do is tempting. After a proposed Senate cybersecurity act failed to pass, the administration issued an executive order that reflects this regulatory approach. But heavy-handed regulation is a 19th-century solution to a 21st-century problem. Federal regulations are slow to implement, cumbersome to manage and unable to keep up with the rapid advances of hackers and cyberwarriors, who continually change their lines of attack. This approach ushers in a clumsy bureaucratic regime that undoubtedly will become even slower and more cumbersome over time. That is the nature of regulatory bureaucracy. There is a better way. The rule of thumb for policymakers should be to encourage companies and other entities to find methods to better protect themselves from cyberattacks. They need to be able to share information voluntarily and protect themselves from liabilities associated with doing that, while ensuring that their proprietary information is safeguarded. Companies sharing information on cyberattacks need to know that they will not be put at a competitive disadvantage in the marketplace. All shared information should be exempted from Freedom of Information Act requests and regulatory use. Moreover, private-public partnerships should be established so information could be shared fully and in a timely manner. Developing a cybersecurity liability and insurance system would be another step in the right direction. As explained in the Heritage report, "such a system returns cyber-security liability to those who are largely responsible for cyber-security losses" i.e., not the consumer but the software manufacturers who, through negligence or other reasons, fail to offer safeguards against cyberincursions and companies that do little about security weaknesses in their cybersystems. The Heritage report contains another innovative recommendation: Create a nonprofit organization that can assess the surety of an organization's supply chain, similar to the way Underwriters Laboratories Inc. assesses the safety of various commercial products. Once a company is given a grade, consumers of software and technical equipment can decide for themselves how safe a purchase would be. Finally, there is the critical issue of cyberattacks by states, terrorists and criminals. A model to pursue is the one used by the former Soviet state of Georgia in response to cyberattacks from Russia in 2012. The Georgian government planted a malware booby trap in a file that Russian intelligence hacked, foiling that attempt at espionage and, more importantly, identifying the perpetrator. U.S. companies should be allowed to execute similar operations, either in cooperation with law enforcement or on their own. Cybersecurity is a complex problem. That is why a one-size-fits-all, top-down regulatory regime run by the federal government is unwise. To stay a step ahead of hackers, Americans need a system that empowers them to protect themselves.

**No Impact – Cyber-Terror Overblown**

[ ] Cyber-terror is all hype.

**Singer, 2012**

(Peter W. Singer, Director, 21st Century Defense Initiative, Senior Fellow, Foreign Policy @ Brookings Institute, The Cyber Terror Bogeyman, Armed Forces Journal, November 2012, <http://www.brookings.edu/research/articles/2012/11/cyber-terror-singer>)

We have let our fears obscure how terrorists really use the Internet. About 31,300. That is roughly the number of magazine and journal articles written so far that discuss the phenomenon of cyber terrorism. Zero. That is the number of people that who been hurt or killed by cyber terrorism at the time this went to press. In many ways, cyber terrorism is like the Discovery Channel's "Shark Week," when we obsess about shark attacks despite the fact that you are roughly 15,000 times more likely to be hurt or killed in an accident involving a toilet. But by looking at how terror groups actually use the Internet, rather than fixating on nightmare scenarios, we can properly prioritize and focus our efforts. Part of the problem is the way we talk about the issue. The FBI defines cyber terrorism as a "premeditated, politically motivated attack against information, computer systems, computer programs and data which results in violence against non-combatant targets by subnational groups or clandestine agents." A key word there is "violence," yet many discussions sweep all sorts of nonviolent online mischief into the "terror" bin. Various reports lump together everything from Defense Secretary Leon Panetta's recent statements that a terror group might launch a "digital Pearl Harbor" to Stuxnet-like sabotage (ahem, committed by state forces) to hacktivism, WikiLeaks and credit card fraud. As one congressional staffer put it, the way we use a term like cyber terrorism "has as much clarity as cybersecurity — that is, none at all." Another part of the problem is that we often mix up our fears with the actual state of affairs. Last year, Deputy Defense Secretary William Lynn, the Pentagon's lead official for cybersecurity, spoke to the top experts in the field at the RSA Conference in San Francisco. "It is possible for a terrorist group to develop cyber-attack tools on their own or to buy them on the black market," Lynn warned. "A couple dozen talented programmers wearing flip-flops and drinking Red Bull can do a lot of damage." The deputy defense secretary was conflating fear and reality, not just about what stimulant-drinking programmers are actually hired to do, but also what is needed to pull off an attack that causes meaningful violence. The requirements go well beyond finding top cyber experts. Taking down hydroelectric generators, or designing malware like Stuxnet that causes nuclear centrifuges to spin out of sequence doesn't just require the skills and means to get into a computer system. It's also knowing what to do once you are in. To cause true damage requires an understanding of the devices themselves and how they run, the engineering and physics behind the target. The Stuxnet case, for example, involved not just cyber experts well beyond a few wearing flip-flops, but also experts in areas that ranged from intelligence and surveillance to nuclear physics to the engineering of a specific kind of Siemens-brand industrial equipment. It also required expensive tests, not only of the software, but on working versions of the target hardware as well. As George R. Lucas Jr., a professor at the U.S. Naval Academy, put it, conducting a truly mass-scale action using cyber means "simply outstrips the intellectual, organizational and personnel capacities of even the most well-funded and well-organized terrorist organization, as well as those of even the most sophisticated international criminal enterprises." Lucas said the threat of cyber terrorism has been vastly overblown. "To be blunt, neither the 14-year-old hacker in your next-door neighbor's upstairs bedroom, nor the two- or three-person al-Qaida cell holed up in some apartment in Hamburg are going to bring down the Glen Canyon and Hoover dams," he said.

**Impact Turn – Democracy**

**[ ] Internet freedom provides the necessary infrastructure for democratic transitions.**

**Howard, 2010**

(PhD sociology, Director of the Center for Media, Data and Society, studies the impact of information technologies on democracy and social inequality (Philip, *The Digital Origins of Dictatorship and Democracy: Information Technology and Political Islam*, p. 11)

Cyberactivism is no longer the unique provenance of isolated, politically motivated hackers. It is instead deeply integrated with contemporary social movement strategy and accessible to computer and mobile phone users with only basic skills: it is a distinguishing feature of modern political communication and a means of creating the élan that marks social change. Twitter may have been the branded information tool of choice for some of Iran's opposition opinion leaders, and other tools will emerge in the years ahead. The service routes messages from many sources to many users through varied outlets from webpages, mobile phones, and many other kinds of consumer electronics. But it is the networked design that is a distinguishing feature of social media that will be ever more threatening to authoritarian rule. Information and communication technologies are the infrastructure for transposing democratic ideals from community to community. They support the process of learning new approaches to political representation, of testing new organizational strategies, and of cognitively extending the possibilities and prospects for political transformation from one context to another. It does not matter that the number of bloggers, twitterers, or internet users may seem small, because in a networked social moment only a few "brokers" need to be using these tools to keep everyone up to date.

**[ ] And democracy is key to overall peace.**

**Silva, MA International Relations, 2011**

(Shanila De, MA International Relations, Department of Politics & International Studies, University of Warwick, [https://www.academia.edu/1139228/Facilitating\\_Peace\\_Democracy\\_Building\\_Following\\_Violent\\_Conflict](https://www.academia.edu/1139228/Facilitating_Peace_Democracy_Building_Following_Violent_Conflict))

The idea of democracy building as a solution to violent conflict is a challenging one. Statistically, with high levels of stable and evenly distributed growth, and sufficient governance, regime type becomes unimportant to peace. However, democracy's strength lies in its inherent ability to deliver these conditions. Where policy-makers and theorists run into problems is in the transition and design process of democracy following civil conflict. The following paper argues that in combination with growth and governance, democracy can have a positive impact on the peace process. While democracy building can be challenging, there are ways to mitigate potential instability and to design around potential hurdles. Given democracy's intrinsic qualities, policy makers should focus on effective design of democracy and on facilitating conditions for growth and governance. Such a combination should theoretically result in a stable system. While reality does not always follow theory, the cases examined in this paper show that these conditions are effective and mutually reinforcing. They go on to demonstrate, that while there is no perfect model to create post-conflict stability, with a carefully managed transition, and a series of necessary conditions, democracy can help to facilitate peace in a developing country.

**Impact Turn – Destroys Economic Growth**

[ ] Internet localization will destroy global economic growth.

**Chandler and Le, 2015**

(Director, California International Law Center, Professor of Law and Martin Luther King, Jr. Hall Research Scholar, University of California, Davis; A.B., Harvard College; J.D., Yale Law School AND \*\*Free Speech and Technology Fellow, California International Law Center; A.B., Yale College; J.D., University of California, Davis School of Law (Anupam and Uyen, "DATA NATIONALISM" 64 Emory L.J. 677, lexis)

Many governments believe that by forcing companies to localize data within national borders, they will increase investment at home. Thus, data localization measures are often motivated, whether explicitly or not, by desires to promote local economic development. In fact, however, data localization raises costs for local businesses, reduces access to global services for consumers, hampers local start-ups, and interferes with the use of the latest technological advances.

In an Information Age, the global flow of data has become the lifeblood of economies across the world. While some in Europe have raised concerns about the transfer of data abroad, the European Commission has recognized "the critical importance of data flows notably for the transatlantic economy." n209 The Commission observes that international data transfers "form an integral part of commercial exchanges across the Atlantic including for new growing digital businesses, such as social media or cloud computing, with large amounts of data going from the EU to the US." n210 Worried about the effect of constraints on data flows on both global information sharing and economic development, the Organisation for Economic Co-operation and Development (OECD) has urged nations to avoid "barriers to the location, access and use of cross-border [\*722] data facilities and functions" when consistent with other fundamental rights, in order to "ensure cost effectiveness and other efficiencies." n211 The worry about the impact of data localization is widely shared in the business community as well. The value of the Internet to national economies has been widely noted. n212 Regarding Brazil's attempt to require data localization, the Information Technology Industry Council, an industry association representing more than forty major Internet companies, had argued that "in-country data storage requirements would detrimentally impact all economic activity that depends on data flows." n213 The Swedish government agency, the National Board of Trade, recently interviewed fifteen local companies of various sizes across sectors and concluded succinctly that "trade cannot happen without data being moved from one location to another." n214 Data localization, like most protectionist measures, leads only to small gains for a few local enterprises and workers, while causing significant harms spread across the entire economy. The domestic benefits of data localization go to the few owners and employees of data centers and the few companies servicing these centers locally. Meanwhile, the harms of data localization are widespread, felt by small, medium, and large businesses that are denied access to global services that might improve productivity. In response to Russia's recently passed localization law, the NGO Russian Association for Electronic Communications stressed the potential economic consequences, pointing to the withdrawal of global services and substantial economic losses caused by the passing of similar laws in other countries. n215 For example, besides the loss of international social media platforms, localization would make it impossible for [\*723] Russians to order airline tickets or consumer goods through online services. Localization requirements also seriously affect Russian companies like Aeroflot because the airline depends on foreign ticket-booking systems. n216

**Impact Turn – Destroys Internet**

[ ] State control destroys the value of the internet.

**Alford**, Senior Program Officer, Internet Freedom, Freedom House, **2014**  
(Gigi Alford, State Partitioning of the Internet Harms Users Everywhere,  
[http://www.huffingtonpost.com/freedom-house/state-partitioning-of-the\\_b\\_5843162.html](http://www.huffingtonpost.com/freedom-house/state-partitioning-of-the_b_5843162.html))

For as long as the global internet has withstood attempts by states to subjugate its cables, servers, and protocols, the virtual world has been a refuge for users who are deprived of their fundamental freedoms offline. This boon of technology is what led UN experts to declare the internet “an indispensable tool for realizing a range of human rights” and to debate whether access to such an engine of human progress constitutes a right in itself. However, since Edward Snowden disclosed documents on secret U.S. and British data-collection programs, the internet has faced intensified challenges from all sides—some genuine and others opportunistic—that could lead states to partition the digital commons into national and regional demesnes. An internet that is fragmented by political, legal, and technical boundaries would throttle the animating purpose of the International Bill of Human Rights, while an indivisible and global internet is able to facilitate such goals. As states fully fathom the internet’s disruptive power and rush to impose choke points in the name of national sovereignty, the digital world increasingly mirrors the analog world’s human rights deficiencies, which it once transcended. The virtual refuge is being dismantled, and for individuals on the wrong side of the new borders, it has been replaced with separate and unequal “splinternets.” Such digital apartheid flies in the face of the universality of human rights, and it contradicts international jurisprudence that rejects separate-but-equal regimes. As the UN Human Rights Council has affirmed, “the same rights that people have offline must also be protected online.” Champions of a unified internet are putting forth strong economic and geopolitical arguments to counter these challenges—including earlier this month at the ninth annual Internet Governance Forum (IGF) in Istanbul, Turkey, and next month at the International Telecommunications Union (ITU) plenipotentiary meeting in Busan, South Korea. But stakeholders often miss the bigger picture when they overlook the human rights case against a “Westphalian web” model of internet governance.

# **Whistleblower Counterplan**

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## Summary

The Whistleblower Counterplan explains an alternative proposal to solve some of the problems highlighted in the NSA PRISM Surveillance Affirmative position. Specifically, the counterplan suggests that the United States Federal Government should offer protection to whistleblowers who leak classified data. This protection would only be put in place, however, if the data that was leaked could show that the government, or a member of the government, was doing something illegal. By protecting whistleblowers, the government could now be held accountable for any illegal surveillance, guaranteeing the effectiveness of existing oversight. By extension, if current oversight were now effective, then the Affirmative plan of further restricting government surveillance would become unnecessary.

The rest of the evidence allows the Negative team to defend its counterplan against Affirmative attacks. For example, the counterplan allows the government to continue doing the surveillance that is necessary to defend the public, but it no longer allows government agencies to abuse their intelligence capabilities with overly invasive attacks on privacy. The counterplan evidence also explains how Congressional action could prevent the failures of exempting classified documents from past whistleblower laws. Whistleblowers would provide a level of transparency about government wrongdoing that would encourage the international community to believe that the U.S. was making progress in its surveillance practices. This would allow the government to get out in front of the fallout from any leaks, thus avoiding disproportionate public and media response. The evidence concludes by emphasizing that the NSA exaggerates the impact of leaks on national security, showing that whistleblowing doesn't have to be a practice that puts the public in danger from international powers.



## Glossary

**Angela Merkel** – A German politician and a former research scientist who has been the leader of the Christian Democratic Union since 2000 and the Chancellor of Germany since 2005. She is the first woman to hold either office. It was revealed to the world in 2013 that the NSA had tapped her mobile phone.

**Chelsea Manning** – known before 2013 as Bradley Edward Manning – is a United States Army soldier who was convicted in July 2013 of violations of the Espionage Act and other offenses, after disclosing to WikiLeaks nearly three-quarters of a million classified or unclassified but sensitive military and diplomatic documents.

**Disclosure** – The action of making new or secret information known.

**Edward Snowden** – An American computer contractor who leaked classified information from the NSA in 2013. The information revealed numerous global surveillance programs, many run by the NSA with the cooperation of telecommunication companies and European governments. As of 2015, he was living in an undisclosed location in Russia while seeking asylum elsewhere.

**FAA** – FISA Amendments Act of 2008 – an Act of Congress that amended the Foreign Intelligence Surveillance Act. It has been used as the legal basis for mass surveillance programs disclosed by Edward Snowden in 2014, including PRISM.

**Human Rights Watch** – An international non-governmental organization that conducts research and advocacy on human rights.

**NGO** – Non-governmental Organization – An organization that is neither a part of a government nor a conventional for-profit business.

**SOR Act and STA Act** – The Surveillance Order Reporting Act and Surveillance Transparency Act of 2013 – Two proposed pieces of legislation that seek to give companies more options for disclosing when and how often they received national security-related requests and provided data to the government.

**Transparency** – The right and the means to examine the process of decision-making.

**Whistleblower** – A person who exposes any kind of information or activity that is deemed illegal, dishonest, or not correct within an organization that is either private or public.

**1NC Shell (1/1)**

**Counterplan: The United States Federal Government should offer protection to all whistleblowers who leak classified data, if and only if such leaks provide evidence of wrongdoing.**

**1. The Counterplan has the following net benefits: \_\_\_\_\_.**

**2. The Counterplan solves – Expanding whistleblower protection makes existing oversight effective.**

**Schneier, 2015**

(Fellow at the Berkman Center for Internet and Society at Harvard Law School, a program fellow at the New America Foundation's Open Technology Institute, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the Chief Technology Officer at Resilient Systems, Inc (Bruce, Data and Goliath: the Hidden Battles to Collect Your Data and Control Your World, Ch. 13)

Columbia law professor David Pozen contends that democracies need to be leaky—leaks and whistleblowing are themselves security mechanisms against an overreaching government. In his view, leaks serve as a counterpoint to the trend of overclassification and, ultimately, as a way for governments to win back the trust lost through excessive secrecy. Ethnographer Danah Boyd has called whistleblowing the civil disobedience of the information age; it enables individuals to fight back against abuse by the powerful. The NGO Human Rights Watch wrote that “those who disclose official wrongdoing ... perform an important service in a democratic society...” In this way of thinking, whistleblowers provide another oversight mechanism. You can think of them as a random surprise inspection. Just as we have laws to protect corporate whistleblowers, we need laws to protect government whistleblowers. Once they are in place, we could create a framework and rules for whistleblowing legally. This would not mean that anyone is free to leak government secrets by claiming that he’s a whistleblower. It just means that conscience-driven disclosure of official wrongdoing would be a valid defense that a leaker could use in court—juries would have to decide whether it was justified—and that reporters would legally be able to keep their sources secret. The clever thing about this is that it sidesteps the difficult problem of defining “whistleblower,” and allows the courts to decide on a case-by-case basis whether someone’s actions qualify as such or not. Someone like Snowden would be allowed to return to the US and make his case in court, which—as explained in Chapter 7—currently he cannot. Additionally, we need laws that protect journalists who gain access to classified information. Public disclosure in itself is not espionage, and treating journalism as a crime is extraordinarily harmful to democracy.

**AT: No Solvency – Overbroad Surveillance**

[ ]

**[ ] Congressional action to systematize whistleblowing can act as a check against abuses without jeopardizing our intelligence capabilities.**

**Pozen, 2013**

(Yale Law School, J.D., 2007 Oxford University, M.Sc., Comparative Social Policy (distinction), 2003 Yale College, B.A., Economics (summa cum laude), 2002, Columbia Law Professor, expert surveillance legal analyst, (David, THE LEAKY LEVIATHAN: WHY THE GOVERNMENT CONDEMNS AND CONDONES UNLAWFUL DISCLOSURES OF INFORMATION , SSRN)

The federal whistleblower statutes might be expected to comprise Congress's longstanding failure to confront the executive secrecy system must be understood in light of these institutional and member level interests in leakiness. With some notable exceptions such as the bill vetoed by President Clinton that would have strengthened the Espionage Act, 333 Congress has done little to address national security leaks or the classification system that underlies them. A variety of committees have held hearings on high-profile incidents, and the intelligence committees have recently mooted measures to curb certain forms of planting and pleaking. But in general legislative action has been minimal for decades. Of particular note, members have declined to make use of the protection afforded by the Constitution's Speech or Debate Clause<sup>334</sup> to reveal, or threaten to reveal, executive branch information without fear of criminal or civil liability.<sup>335</sup> One might expect that a responsible legislature would try to steer classified information leaks its way, so as to preserve legitimate secrecy while providing an outside check on the executive.<sup>336</sup> Congress has largely bypassed this approach, which would force it to take greater responsibility over the revelations that emerge, and has instead countenanced minimal enforcement against media leakers while directing all prospective whistleblowers to their agency inspectors general in the first instance.<sup>337</sup> Many members of Congress seem quite content to be regular readers (and perhaps occasional purveyors) rather than recipients of leaks. Systematic recourse to leaking emerges, once again, as the more efficient and politically palatable alternative to systematic legal reform. Congress's role in the ecosystem of national security leaks is a large and complex subject. Certain congressional entities receive a steady flow of classified information through official channels, supplemented by a side traffic in direct and indirect unofficial disclosures. Agencies typically incur political risk if they try to limit this traffic by clamping down on staffers' communications with their oversight committees. Partisan motivations and sincere good-governance sentiments sustain a perpetual interest on the Hill in leaks, along with a ready-made rhetoric of crisis about their prevalence. The recent rise of a "commuter Congress," in which many members spend as little time as possible in Washington, may have helped strengthen relationships between elite reporters and less peripatetic executive officials, shifting power to the latter in the intragovernmental game of leaks.

## AT: No Solvency – Internal Threat Surveillance

[ ]

[ ] Existing whistleblower laws fail only because of the classified information exemption. Congressional action would prevent that.

### Pozen, 2013

(Yale Law School, J.D., 2007 Oxford University, M.Sc., Comparative Social Policy (distinction), 2003 Yale College, B.A., Economics (summa cum laude), 2002, Columbia Law Professor, expert surveillance legal analyst, (David, THE LEAKY LEVIATHAN: WHY THE GOVERNMENT CONDEMNS AND CONDONES UNLAWFUL DISCLOSURES OF INFORMATION)

The federal whistleblower statutes might be expected to comprise the last major piece of the legal framework, except that in the national security context they play a marginal role. Several laws protect executive branch employees who disclose information regarding alleged abuses to designated agency officials or congressional committees under specified procedures.<sup>63</sup> But these laws offer significantly less succor when it comes to classified information, are widely seen as confusing and user-unfriendly, and under no circumstances permit disclosures directly to the press.<sup>64</sup> These laws also do not ensure against revocation of one's security clearance,<sup>65</sup> which in the national security and foreign policy fields generally means loss of one's job. And though the point is contestable, the laws are fairly read to provide "absolutely zero protection" for those who publicly reveal classified information, even as a last resort, and even when the information reveals illegal government conduct.<sup>66</sup> The vast majority of leakers have no interest in reporting wrongdoing in any event.<sup>67</sup> Consequently, the whistleblower statutes tend to be ignored in the debate over classified information leaking, apart from occasional calls to revise them. It is telling that in Jack Goldsmith's recent book-length study of mechanisms that publicize and constrain the executive's national security activities, these laws are never once mentioned.

**AT: Solvency Turn – Collapses Hegemony**

[ ]

**[ ] Surveillance transparency from leaks is key to preventing backlash over surveillance.****Schneier, 2015**

(fellow at the Berkman Center for Internet and Society at Harvard Law School, a program fellow at the New America Foundation's Open Technology Institute, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the Chief Technology Officer at Resilient Systems, Inc (Bruce, Data and Goliath: the Hidden Battles to Collect Your Data and Control Your World, Ch. 12)

Transparency is vital to any open and free society. Open government laws and freedom of information laws let citizens know what the government is doing, and enable them to carry out their democratic duty to oversee its activities. Corporate disclosure laws perform similar functions in the private sphere. Of course, both corporations and governments have some need for secrecy, but the more they can be open, the more we can knowledgeably decide whether to trust them. Right now in the US, we have strong open government and freedom of information laws, but far too much information is exempted from them. For personal data, transparency is pretty straightforward: people should be entitled to know what data is being collected about them, what data is being archived about them, and how data about them is being used—and by whom. And in a world that combines an international Internet with country-specific laws about surveillance and control, we need to know where data about us is being stored. We are much more likely to be comfortable with surveillance at any level if we know these things. Privacy policies should provide this information, instead of being so long and deliberately obfuscating that they shed little light. We also need transparency in the algorithms that judge us on the basis of our data, either by publishing the code or by explaining how they work. Right now, we cannot judge the fairness of TSA algorithms that select some of us for “special screening.” Nor can we judge the IRS’s algorithms that select some of us for auditing. It’s the same with search engine algorithms that determine what Internet pages we see, predictive policing algorithms that decide whom to bring in for questioning and what neighborhoods to patrol, or credit score algorithms that determine who gets a mortgage. Some of this secrecy is necessary so people don’t figure out how to game the system, but much of it is not. The EU Data Protection Directive already requires disclosure of much of this information. It may seem as if I am contradicting myself. On one hand, I am advocating for individual privacy over forced surveillance. On the other, I am advocating for government and corporate transparency over institutional secrecy. The reason I say yes to both lies in the existing power imbalance between people and institutions. Institutions naturally wield more power than people. Institutional secrecy increases institutional power, and that power differential grows. That’s inherently bad for personal liberty. Individual privacy increases individual power, thereby reducing that power differential. That’s good for liberty. It’s exactly the same with transparency and surveillance. Institutional transparency reduces the power imbalance, and that’s good. Institutional surveillance of individuals increases the power imbalance, and that’s bad.

**AT: Solvency Turn – Leaks Destroy Foreign Relations**

**[\_\_] Leaks are inevitable—the CP gets out in front of them. We can check abuses while still controlling the fallout.**

**Schneier, 2015**

(Fellow at the Berkman Center for Internet and Society at Harvard Law School, a program fellow at the New America Foundation's Open Technology Institute, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the Chief Technology Officer at Resilient Systems, Inc (Bruce, Data and Goliath: the Hidden Battles to Collect Your Data and Control Your World, Ch. 12)

Governments and corporations routinely resist transparency laws of all kinds. But the world of secrecy is changing. Privacy-law scholar Peter Swire writes about a declining half-life of secrets. What he observed is that, in general, secrets get exposed sooner than they used to. Technology is making secrets harder to keep, and the nature of the Internet makes secrets much harder to keep long-term. The push of a “send” button can deliver gigabytes across the Internet in a trice. A single thumb drive can hold more data every year. Both governments and organizations need to assume that their secrets are more likely to be exposed, and sooner, than ever before. One of the effects of a shrinking half-life for secrets is that their disclosure is more damaging. One of Snowden’s documents indicated that the NSA spied on the cell phone of German chancellor Angela Merkel. The document is undated, but it’s obviously from the last few years. If that document had become public 20 years from now, the reaction in Germany would have been very different from the public uproar that occurred in 2013, when Merkel was still in office and the incident was current events rather than historical. Cultural changes are also making secrets harder to keep. In the old days, guarding institutional secrets was part of a lifelong culture. The intelligence community would recruit people early in their careers and give them jobs for life. It was a private men’s club, one filled with code words and secret knowledge. The corporate world, too, was filled with lifers. Those days are gone. Many jobs in intelligence are now outsourced, and there is no job-for-life culture in the corporate world anymore. Workforces are flexible, jobs are outsourced, and people are expendable. Moving from employer to employer is now the norm. This means that secrets are shared with more people, and those people care less about them. Recall that five million people in the US have a security clearance, and that a majority of them are contractors rather than government employees. There is also a greater belief in the value of openness, especially among younger people. Younger people are much more comfortable with sharing personal information than their elders. They believe that information wants to be free, and that security comes from public knowledge and debate. They have said very personal things online, and have had embarrassing photographs of themselves posted on social networking sites. They have been dumped by lovers in public online forums. They have overshared in the most compromising ways—and they survived intact. It is a tougher sell convincing this crowd that government secrecy trumps the public’s right to know. These technological and social trends are a good thing. Whenever possible, we should strive for transparency.

**AT: Solvency Turn – Decreased Capabilities**

[ ]

**[ ] A New York Times incident proves that the NSA exaggerates the impact of leaks.**

**Currier**, journalist with a focus on national security, foreign affairs, and human rights, **2015** (Cora Currier, “HOW THE NSA STARTED INVESTIGATING THE NEW YORK TIMES’ WARRANTLESS WIRETAPPING STORY”, The Intercept, 6/26/2015, <https://firstlook.org/theintercept/2015/06/26/nsa-started-investigating-new-york-times-original-warrantless-wiretapping-story/>)

Three days after the New York Times revealed that the U.S. government was secretly monitoring the calls and emails of people inside the United States without court-approved warrants, the National Security Agency issued a top-secret assessment of the damage done to intelligence efforts by the story. The conclusion: the information could lead terrorists to try to evade detection. Yet the agency gave no specific examples of investigations that had been jeopardized. The December 2005 bombshell story, by James Risen and Eric Lichtblau, set off a debate about the George W. Bush administration’s expansion of spying powers after the 9/11 attacks, and also about the Times editors’ decision to delay its publication for a year. White House officials had warned the Times that revealing the program would have grave consequences for national security. The NSA’s damage assessment on the article — referred to as a “cryptologic insecurity” — is among the files provided by former NSA contractor Edward Snowden. The memo recounts meetings in 2004 and 2005 in which administration officials disclosed “certain details of the special program to select individuals from the New York Times to dissuade them from publishing a story on the program at that time.” The memo gives a general explanation of what terrorists might do in reaction to the information revealed. It was “likely” that terrorists would stop using phones in favor of mail or courier, and use encryption and code words. They could also plant false information, knowing the U.S. government was listening. But the leaked program had not “been noted in adversary communications,” according to the memo. It gave no specific examples of investigations or targets that had or might be impacted by the revelations. “To this day we’ve never seen any evidence — despite all the claims they made to keep us from publishing — that it did any tangible damage to national security. This is further confirmation of that,” Lichtblau told The Intercept. “The reality was that the story told Americans what they didn’t know about how the system was being stretched; it didn’t tell terrorists anything that they didn’t know, that the U.S. was aggressively trying to gather their communications,” he said.

# **Whistleblower Counterplan Affirmative**



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## **Summary**

The Whistleblower Counterplan Affirmative position denies that the best course of action is to protect whistleblowers laws and contends that their originally proposed plan is best suited to solve the problems highlighted by both teams in the debate. This evidence contends that past whistleblower reforms have failed and will continue to do so, despite claims from the Negative team that say otherwise. Furthermore, the reason that whistleblower laws have failed in the past is because surveillance itself is currently far too broad for whistleblowers to provide adequate protection and transparency. More simply, there is too much surveillance for whistleblowers to protect against all wrongdoing. Another point made by the Affirmative team is that if whistleblower laws are enhanced, then the NSA could simply shift its own practices, making it harder for whistleblowers to detect wrongdoing, even from within the agency.

The Affirmative responses to the counterplan also claim that the international community has already lost most of its trust in the U.S. government because of its surveillance practices. Thus, any further whistleblowing could push the NSA beyond the point of no return, making it impossible for that agency to ever regain foreign or domestic trust. A lack of trust by foreign nations in U.S. surveillance practices could then have increasingly negative impacts on our foreign relations as a whole with other nations. Finally, the Affirmative team argues that unchecked whistleblowing could damage national security, putting domestic residents, foreign allies, and troops in danger of attacks from international powers.

## Glossary

**Angela Merkel** – A German politician and a former research scientist who has been the leader of the Christian Democratic Union since 2000 and the Chancellor of Germany since 2005. She is the first woman to hold either office. It was revealed to the world in 2013 that the NSA had tapped her mobile phone.

**Chelsea Manning** – known before 2013 as Bradley Edward Manning, is a United States Army soldier who was convicted in July 2013 of violations of the Espionage Act and other offenses, after disclosing to WikiLeaks nearly three-quarters of a million classified or unclassified but sensitive military and diplomatic documents.

**Disclosure** – The action of making new or secret information known.

**Edward Snowden** – An American computer contractor who leaked classified information from the NSA in 2013. The information revealed numerous global surveillance programs, many run by the NSA with the cooperation of telecommunication companies and European governments. As of 2015, he was living in an undisclosed location in Russia while seeking asylum elsewhere.

**FAA** – FISA Amendments Act of 2008 – an Act of Congress that amended the Foreign Intelligence Surveillance Act. It has been used as the legal basis for mass surveillance programs disclosed by Edward Snowden in 2014, including PRISM.

**Human Rights Watch** – An international non-governmental organization that conducts research and advocacy on human rights.

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**Transparency** – The right and the means to examine the process of decision-making.

**Whistleblower** – A person who exposes any kind of information or activity that is deemed illegal, dishonest, or not correct within an organization that is either private or public.

## No Solvency – Overbroad Surveillance

[ ]

[ ] Whistleblower transparency reforms fail – the problem is the surveillance itself is overbroad.

### Greene, 2014

(John Marshall Law School, B.S. in Political Science (Michael, “Where Has Privacy Gone? How Surveillance Programs Threaten Expectations of Privacy”, The John Marshall Journal of Information Technology & Privacy Law, Summer 2014, [http://heinonline.org/HOL/Page?handle=hein.journals/jmjcila30&div=36&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/jmjcila30&div=36&g_sent=1&collection=journals))

Next, analyzing the SOR Act and STA Act, the focus of these Acts are to push for a more immediate resolution to some of the concerns that U.S. persons have regarding private companies turning over their private information to government surveillance programs. However, these legislative pushes run far shorter than the proposed legislation under the aforementioned ISOR Act. Currently, companies can only report on the amount of data requests.<sup>156</sup> While these requests can be reported in blocks of 1,000, a single request could encompass millions of users.<sup>157</sup> The SOR and STA Acts would focus on refining the language used in the FAA of 2008 to allow private companies to give more detailed reports regarding the frequency and amount of user data that has been requested under FISC court orders. All of the above being considered, the SOR and STA Acts are more likely to be passed in Congress and moving onto the next stage of the legislation process, due to the substantial lobbying of the technology industry and that these acts will not alter any significant parts of the FAA of 2008. Lobbying by several large technology companies has increased support in the legislation that would give the companies more ability to inform their customers and future users about information requests.<sup>158</sup> These companies hope that more transparency will alleviate customer’s concerns about information security. Endorsement by technology companies also provides more persuasive support to the SOR and ACT Acts by showcasing the private sector backing of these acts. However, both the SOR and STA Acts still fall short of offering a substantive solution to the problems of implementing FISA programs because they do not halt or change any of the policies currently used to collect information.

**No Solvency – Internal Threat Surveillance**

[ ]

**[ ] The NSA will just shift towards increased internal surveillance to get rid of whistleblowing opportunities.**

**Dilanian, 2013**

(Ken, reporter for the Los Angeles Times, "Clapper: Snowden case brings healthy debate; more disclosures to come," September 12, 2013, <http://articles.latimes.com/2013/sep/12/world/la-fg-wn-clapper-snowden-disclosures-20130912>)

WASHINGTON -- James Clapper, the director of national intelligence, said Thursday that Edward Snowden's disclosures of secret surveillance programs at home and abroad have generated a useful public debate on the trade-offs between privacy and national security. "I think it's clear that some of the conversations this has generated, some of the debate, actually needed to happen," Clapper told a defense and intelligence contractor trade group. "If there's a good side to this, maybe that's it." Clapper defended the work of the National Security Agency, where Snowden worked on contract as a systems analyst, and took no responsibility for the glaring security lapse that allowed Snowden to download and remove at least 50,000 classified documents from an NSA listening post in Hawaii. The "continuous stream of revelations" that has appeared in U.S. and British newspapers has damaged national security, and is far from over, Clapper said. "Unfortunately, there is more to come," he said. He said the intelligence community is taking steps to prevent other employees or contractors from compromising security. "There's been a lot of focus on insider threat detection, which we were into, but probably not with the emphasis and the energy that we are now," Clapper said. His statement suggested that the digital theft of more than 700,000 classified documents in 2010 by Chelsea Manning, then an Army intelligence analyst in Iraq known as Bradley, did not prompt the intelligence bureaucracy to adequately plug its holes. Manning has been convicted of espionage and other charges. Joseph DeTrani, a retired intelligence official who is president of the Intelligence and National Security Alliance, asked Clapper why the public seemed skeptical about Obama administration claims that the NSA does not spy on Americans in violation of the law. Clapper cited the challenge of trying to track terrorists and other foreign adversaries who communicate over the same telephone lines, airwaves and Internet servers as Americans. He also cited what he called distorted reporting in the news media for causing misunderstanding. Journalists examining the surveillance programs that Snowden disclosed "go to the deepest darkest place they can and make the most conspiratorial case for what the intelligence community is doing." Clapper noted that he spent six years as an intelligence contractor, and he defended the role of private companies working with the intelligence community. "Contractors continue to serve as a crucial part of the community," he said. "We could not do our mission without you and we need you to stick with us and help us get through this difficult period."

## Solvency Turn – Collapses Hegemony

[ ] Surveillance disclosures pushed U.S. intelligence capabilities and credibility to the brink—they collapse US power projection.

### Mukasey, 2014

(Former U.S. Attorney General, judge for the Southern District of New York, B.A. from Columbia, LL.B. from Yale (Michael, SAFE AND SURVEILLED: FORMER U.S. ATTORNEY GENERAL MICHAEL B. MUKASEY ON THE NSA, WIRETAPPING, AND PRISM, National Security Law Journal, 3/25/14, [https://www.nslj.org/wp-content/uploads/3\\_NatISecLJ\\_196-209\\_Mukasey.pdf](https://www.nslj.org/wp-content/uploads/3_NatISecLJ_196-209_Mukasey.pdf))

What damage has been done to our national security by Snowden's disclosure? Well, the Defense Intelligence Agency has prepared a report for the House permanent subcommittee that's classified, but what is already clear is that although press reports have focused on NSA foreign intelligence collection, much of the information that Snowden stole actually relates to current U.S. military operations, and in the words of [House Permanent Select Committee on Intelligence] Chairman Mike Rogers, is likely to have "lethal consequences for our troops in the field." According to the Ranking Member to the Committee Dutch Ruppersberger, we have already seen terrorists changing their methods because of Snowden's leaks. The operations affected ranged beyond terrorism, into cybercrime, narcotics, and human trafficking. A program in Latin America that helped rescue women in that part of the world from human trafficking rings had to be abandoned because documents relating to it were leaked and the identity of informants was compromised. Vital operations for all four of our military services have been affected. The exposures as to foreign intelligence operations are potentially devastating. They include, for example, an NSA report of self-assessment in fifty aspects of counterterrorism that reveals gaps in our knowledge about the security of Pakistani nuclear material when it's being transported; of the capabilities of China's next generation of fighter aircraft (that includes secrets that were stolen from our own F35 planes back in 2007); of what plans Russian leaders might have to deal with destabilizing events, such as large protests or terrorists incidents. The capabilities he has disclosed, thus far, include how NSA intercepts e-mails, phone calls, and radio transmissions of Taliban fighters in Pakistan; the fact that NSA is watching the security of Pakistan's nuclear weapons; that NSA is capable of measuring the loyalty of CIA recruits in Pakistan; [and] how NSA hacks into telephones in Honk Kong and the rest of China. Just last weekend, The New York Times carried another leak from the Snowden trove, a story that describes how NSA has tried—apparently successfully—to penetrate a Chinese manufacturer of electronic equipment, including communications equipment, [of] Huawei, so that it could monitor what purchasers of that equipment, including foreign governments, do with it. Right in the body of that story was the revelation that the Times had withheld certain technical details from the story at the request of the Obama administration, but nonetheless the Chinese government and Huawei are now on notice of the effort and can set about taking steps to guard against it. You want to imagine the nature of the damage that he has done? Think of someone disclosing the acoustic signature of a nuclear submarine. That's among the most closely guarded of secrets that we have, because if it is disclosed, it makes that submarine—an investment of literally billions of dollars—useless. That is the nature of what he has done to a lot our intelligence capabilities.

## Solvency Turn – Leaks Destroy Foreign Relations

[ ] Surveillance disclosures destroy our foreign relationships because of their public nature.

### **Mukasey, 2014**

(Former U.S. Attorney General, judge for the Southern District of New York, B.A. from Columbia, LL.B. from Yale (Michael, SAFE AND SURVEILLED: FORMER U.S. ATTORNEY GENERAL MICHAEL B. MUKASEY ON THE NSA, WIRETAPPING, AND PRISM, National Security Law Journal, 3/25/14, [https://www.nslj.org/wp-content/uploads/3\\_NatlSecLJ\\_196-209\\_Mukasey.pdf](https://www.nslj.org/wp-content/uploads/3_NatlSecLJ_196-209_Mukasey.pdf))

It is, of course, no accident that Snowden has wound up in Russia, whose geopolitical goals are consistent with weakening U.S. intelligence. Russia itself is technologically and economically and militarily a basket case, but undermining the capabilities of the United States can't help [but even] the playing field. The distortion in allocating resources is another byproduct of these disclosures. As you can imagine, if a single disclosure is made, all possible sources of damage have to be considered and mitigated to the extent possible. If means and methods are disclosed, adjustments have to be made. If human assets are disclosed, steps have to be taken to get them and others with whom they may have a relationship to safety. Two disclosures complicate the problem still further. When you have millions of documents with varied disclosures, the problem of building a protective wall around what can be salvaged in each case is one that could absorb virtually the entire resources of even the best-resourced agency. And, of course, resources devoted to damage control are not then available for the active protection of our national security. But that's just the damage within our own intelligence community. Relationships between the United States and Europe, between European nations themselves, are undermined because confidence is undermined—and I'm not speaking of the Angela Merkel cellphone problem. In fact, for years it had been an open secret in the intelligence community [that] Angela Merkel used a conventional cell phone that could be overheard, and we were by no means the only country that overheard it. The French were quite active in that regard. Besides, even if we were the only country, if you're dealing with a country like Germany that's been champing at the bit trying to avoid sanctions on Iran for years, you would certainly want to know what the leaders of that country is saying in her less-guarded moments. Rather, what I'm talking about is simply how seriously we can be taken by even our friends. If we can't keep secrets secure from somebody like Snowden, how willing do you think foreign intelligence agencies will be to share information with us? Because the United States is a leader in the gathering of intelligence, the result is to paralyze western intelligence capabilities and our self-defense. Snowden and his public handlers . . . have sold the public in general, and some conservatives in particular, on the idea that what they have disclosed is that the United States Government is secretly spying on all of its citizens, on their communications, and indeed on all aspects of their lives—of any electronic interaction, whether through e-mail, banking, telephone calls, card transactions, you name it. They portray Snowden as romantic and idealistic rather than self-absorbed and traitorous—as someone who more closely resembles Robin Hood or Paul Revere than Alger Hiss or Benedict Arnold. And the popular press, which has an ongoing interest in being able to continue to get stories from the Snowden trough, has gone along with the message in the way it reports information, which guarantees continued access.

## Solvency Turn – Decreased Capabilities

[ ]

**[ ] Unchecked disclosures seriously damage our national security. We need to eliminate the situations that create such discomfiture to begin with.**

### **Blake, 2013**

(Aaron Blake, reporter for The Washington Post, "Clapper: Leaks are 'literally gut-wrenching,' leaker being sought," June 9, 2013, <http://www.washingtonpost.com/blogs/post-politics/wp/2013/06/09/clapper-leaks-are-literally-gut-wrenching-leaker-being-sought/>)

Director of National Intelligence James Clapper said in an interview that aired Saturday night that the leaks regarding the Obama administration's surveillance programs are "literally gut-wrenching" and that the administration has requested a criminal investigation into who leaked the information. "For me, it is literally – not figuratively – literally gut-wrenching to see this happen because of the huge, grave damage it does to our intelligence capabilities," Clapper told NBC News's Andrea Mitchell. Clapper accused the media of using "hyperbole" in describing the programs. The National Security Agency's collection of phone records was first reported by the Guardian, while a separate program that tracks Internet data of foreigners as revealed by the Guardian and the Washington Post. He said the NSA has asked the Justice Department to find whoever leaked the information. "I think we all feel profoundly offended by that," Clapper said. "This is someone who, for whatever reason, has chosen to violate a sacred trust for this country. And so I hope we're able to track down whoever's doing this, because it is extremely damaging to, and it affects the safety and security of this country." Appearing on a separate Sunday show, the chairs of the House and Senate intelligence committees -- Rep. Mike Rogers (R-Mich.) and Dianne Feinstein (D-Calif.), respectively -- both urged an investigation into who leaked the information. Rogers had tough words for both the leaker and the reporter who first broke the story, the Guardian's Glenn Greenwald. "(Greenwald) doesn't have a clue how this thing works; neither did the person who released just enough information to make this dangerous," Rogers said on ABC's "This Week." "I absolutely think (the leaker) should be prosecuted."



# **Economy Disadvantage**

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## **Summary**

This Negative position is one that is versatile enough to be used against most cases in the Varsity packet. In fact, we have designed it so that a debater considering moving up to Championship division could use this argument against cases that are completely outside of this packet.

The argument itself is rather simple. The Negative first needs to demonstrate that the economy is improving. This is usually done with reference to evidence from various organizations that assess the health of the U.S. economy. Then, the Negative should show that the plan uniquely destroys the economy. For the various cases, these all have different stories, which is why the shell is missing the link argument. Debaters will have to insert one from Pages 6-8 before they read the disadvantage.

Lastly, the Negative should show that destruction of the economy would lead to devastating implications for the world. While this argument might seem to be exaggerated, the question that should be asked is: "What if?" Since extinction is such a high-magnitude impact, one could argue that even if the risk is small, one simply can't ignore the possibility that the world might face extinction.

The flexibility of this argument towards cases that the Negative might not have yet encountered depends on a little bit of a research burden. The Negative team moving into Championship division should do a little bit of research on how ending surveillance in general destroys the economy. There are hundreds of articles out there that describe that exact scenario. Armed with the general argument, the Negative can apply this to every case that seeks to curtail surveillance.

## Glossary

**BRIC countries** – Brazil, Russia, India, and China.

**Credit Rating** – An evaluation of the credit worthiness of a business (company) or a government, but not individual consumers.

**Economic Decline** – A general slowdown in economic activity.

**Economic Recovery** – The process of an economy regaining levels achieved prior to downturn.

**Empirics** – Relying on observation and experimentation.

**Hyperinflation** - When price increases are so out of control that the concept of inflation is meaningless.

**Infrastructure** - The basic physical and organizational structures and facilities (e.g., buildings, roads, and power supplies) needed for the operation of a society or enterprise.

**Labor market** – The supply of available workers in relation to available work.

**Macroeconomic** – A branch of economics dealing with the performance, structure, behavior, and decision-making of an economy as a whole, rather than individual markets. This includes national, regional, and global economies.

**Markov Probability Model** – A system to model random change that assumes that future outcomes depend only on the present state, and not on any preceding events.

**Narco-dollars** – Money obtained from drug trafficking.

**National Airspace System (NAS)** – The airspace, navigation facilities and airports of the United States along with their associated information, services, rules, regulations, policies, procedures, personnel and equipment.

**Volatility** – The degree of financial variation that is possible in an economy in a short period of time.

**World Trade Organization (WTO)** – An intergovernmental organization which regulates international trade.

**1NC Shell (1/2)****A. Uniqueness – The economy is getting stronger, but that trend can easily be reversed****Saphir, 2015**

(Ann; U.S. economy isn't as weak as estimates suggest, Fed paper says;  
[www.reuters.com/article/2015/05/18/us-usa-fed-gdp-idUSKBN0O31T520150518](http://www.reuters.com/article/2015/05/18/us-usa-fed-gdp-idUSKBN0O31T520150518))

**The U.S. economy is probably not as weak as current estimates suggest**, a paper published Monday by the Federal Reserve Bank of San Francisco said, potentially adding to arguments for raising interest rates sooner rather than later. **A government report late last month put first-quarter growth at a mere 0.2 percent**, far **below** economists' **expectations** and uncomfortably close to an outright contraction like that experienced in the first quarter of 2014. But by running a series of statistical corrections for the way the government accounts for seasonal variations in output, **the paper's authors found "a good chance that underlying economic growth so far this year was substantially stronger than reported."** A chart in the paper suggested first-quarter growth may have been closer to 1.8 percent. That's still below the economy's potential but not dramatically so. A stronger economy suggests a lower hurdle for the Fed to raise interest rates that have been near zero since December 2008. San Francisco Fed President John **Williams**, whose chief research economist co-authored Monday's paper, **has said he believes the economy will bounce back this quarter and may be strong enough for the Fed to begin raising interest rates even as soon as June.** The paper's conclusions are at odds with the findings published last week by economists at the Washington-based Federal Reserve Board. They argued that the recent pattern of first-quarter economic slowdowns isn't a reflection of a statistical fluke in the way U.S. gross domestic product is measured.

**B. <Insert specific link.>****C. Impact – New jobs underpin current economic growth****Davidson, 2015**

(Paul; Rise in higher-paying jobs lighting US economy; May 11;  
[www.usatoday.com/story/money/business/2015/05/10/april-job-gains-better-paying/27008875/](http://www.usatoday.com/story/money/business/2015/05/10/april-job-gains-better-paying/27008875/); kdf)

**Job growth last month shifted to higher-paying positions in a sign of a broadening labor market recovery.** Professional and business services, construction and health care led the solid 223,000 job gains reported by the Labor Department on Friday. Retail and leisure and hospitality lagged. Both have been engines of payroll gains through most of the U.S. employment upswing since 2010. **"We're seeing more quality jobs,"** says Diane Swonk, chief economist of Mesirow Financial. The trend, she says, partly reflects a widening recovery that includes a pickup in full-time positions. **Professional and business services added 62,000 jobs in April, with strong advances in computer systems design, management and technical consulting, and architectural and engineering services.**

## 1NC Shell (2/2)

## D. Impact – Economic decline causes extinction.

## Haass, 2013

(President of the Council on Foreign Relations, 4/30/13, “The World Without America,” <http://www.project-syndicate.org/commentary/repairing-the-roots-of-american-power-by-richard-n--haass>)

Let me posit a radical idea: **The most critical threat facing the United States now and for the foreseeable future is not a rising China, a reckless North Korea, a nuclear Iran, modern terrorism, or climate change.** Although all of these constitute potential or actual threats, **the biggest challenges facing the US are its** burgeoning **debt**, crumbling **infrastructure**, second-rate primary and secondary schools, outdated immigration system, **and slow economic growth** – in short, **the domestic foundations of American power.** Readers in other countries may be tempted to react to this judgment with a dose of schadenfreude, finding more than a little satisfaction in America’s difficulties. Such a response should not be surprising. The US and those representing it have been guilty of hubris (the US may often be the indispensable nation, but it would be better if others pointed this out), and examples of inconsistency between America’s practices and its principles understandably provoke charges of hypocrisy. When America does not adhere to the principles that it preaches to others, it breeds resentment. But, like most temptations, the urge to gloat at America’s imperfections and struggles ought to be resisted. People around the globe should be careful what they wish for. **America’s failure to deal with its internal challenges would come at a steep price.** Indeed, the rest of the world’s stake in American success is nearly as large as that of the US itself. Part of the reason is economic. The US economy still accounts for about one-quarter of global output. **If US growth accelerates, America’s capacity to consume other countries’ goods and services will increase, thereby boosting growth around the world.** At a time **when Europe is drifting and Asia is slowing, only the US** (or, more broadly, North America) **has the potential to drive global economic recovery.** The US remains a unique source of innovation. Most of the world’s citizens communicate with mobile devices based on technology developed in Silicon Valley; likewise, the Internet was made in America. More recently, new technologies developed in the US greatly increase the ability to extract oil and natural gas from underground formations. This technology is now making its way around the globe, allowing other societies to increase their energy production and decrease both their reliance on costly imports and their carbon emissions. The US is also an invaluable source of ideas. Its world-class universities educate a significant percentage of future world leaders. More **fundamentally, the US has long been a leading example of what market economies and democratic politics can accomplish. People and governments around the world are far more likely to become more open if the American model is perceived to be succeeding.**

## 1NC Link – Drone Surveillance

**B. Link – Drones are vital for the economy. The plan guts tens of thousands of good paying jobs.**

### Wolfgang, 2013

(Ben; Drone industry predicts explosive economic boost; Mar 12;  
[www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all](http://www.washingtontimes.com/news/2013/mar/12/drone-industry-predicts-explosive-economic-boost/?page=all))

Drones as weapons and **drones as spies remain matters of intense debate** across the country, **but the controversial aircraft are poised to make an impact as** something else: **economic engines**. Private-sector drones — also called unmanned aerial systems or **UAVs** — **will create more than 70,000 jobs within three years and will pump more than \$82 billion into the U.S. economy by 2025, according to a major new study** commissioned by the industry's leading trade group. But the report, authored by aerospace specialist and former George Washington University professor Darryl Jenkins, assumes that the White House and Congress stick to the current schedule and have in place the necessary legal and regulatory frameworks. Current law calls for full drone integration into U.S. airspace by September 2015, but many key privacy questions surrounding UAVs have yet to be answered. There's also growing doubt that the Federal Aviation Administration can meet the congressionally mandated timetable. If deadlines are met and drones become commonplace in American skies, some states will be especially big winners. **Virginia**, for example, **stands to gain nearly 2,500 jobs by 2017. It also could take in \$4.4 million in tax revenue and see more than \$460 million in overall economic activity by 2017**, the report says. Virginia would gain the eighth-most jobs of any state as a result of drone integration. Maryland isn't far behind, with projections of more than 1,700 new jobs by 2017. **California would be by far the biggest winner in terms of jobs, with more than 12,000 expected**. Florida, Texas, New York, Washington, Connecticut, Kansas, Arizona and Pennsylvania are also expected to benefit greatly from the coming drone economy. **"This is an incredibly exciting time for an industry developing technology that will benefit society, as well as the economy,"** said Michael Toscano, president and CEO of the Association for Unmanned Vehicle Systems International, a trade group that has existed for more than 40 years but has come into the public eye only recently. **Drone expansion "means the creation of quality, high-paying American jobs,"** Mr. Toscano continued. But the motivation behind Tuesday's report — arguably the most sweeping look ever at the economic potential of drones — runs deeper than just dollars and cents. The industry faces an uncertain future in light of growing public paranoia surrounding the craft — paranoia that has only been heightened by the debate over whether the Obama administration would ever consider using a drone to kill an American on U.S. soil. While the drones that will be employed by U.S. companies or law enforcement agencies are far different than the military-style UAVs equipped with Hellfire missiles, those distinctions aren't always clear. Tuesday's report not only offered the industry a chance to shine the spotlight on drones' positive uses and economic potential, but also served as an opportunity — or, perhaps a warning — to lawmakers seeking to limit UAVs. More than 20 states are considering bills to establish strict guidelines for what drones can do.

## 1NC Link – Drug Surveillance

### B. Link – Loss of drug trafficking revenue collapses Mexican economy and government

**The Daily Telegraph, 1997**

(Lord of the Skies, [stuff.mit.edu/people/aaelenes/sinaloa/narco/amado/amado12.html](http://stuff.mit.edu/people/aaelenes/sinaloa/narco/amado/amado12.html))

**Narcotics trafficking is a \$30 billion-a-year industry in Mexico, equivalent to the rest of the nation's GNP put together. Oil, the second biggest industry, earns \$ 10 billion a year, the annual income of Amado Carrillo Fuentes. The government can't afford to stamp out drug trafficking, even if it could. Without narco-dollars, the Mexican economy would likely collapse and the government along with it.** Which explains why the United States, for all its drug war rhetoric, tolerated Carrillo for so long. Which explains a letter Carrillo wrote to the Mexican President, Ernesto Zedillo, on January 14 this year, subsequently leaked to the press: 'Leave me alone to run my business. Otherwise I'll withdraw its benefits from the nation.' Note the slightly impatient tone: Look Ernesto, just don't you forget who's paying the bills around here.

**AND Mexican economic decline spills over to the U.S. and collapses the U.S. economy.**

**Sarukhan, 2012**

(Arturo, Ambassador of Mexico to the United States, "Mexico 'Critically Important' to US Economy," Wilson Center, 2/24/12, video testimony, <http://www.wilsoncenter.org/article/mexico-%E2%80%98critically-important%E2%80%99-to-us-economy>)

It's an incredibly strong relationship, for starters, because a lot of people sometimes don't stop to think that **we trade one billion dollars a day of goods in both directions.** Second, that **Mexico is the United States'** depending on crate loads that we are either third, or **second largest trading partner** with the United States. China and Mexico have been sort of in second or third, and we are the second largest buyer of U.S. exports on the face of the Earth. Depending what your area of geographic expertise or fondness is, if you think of Latin America, **Mexico buys more U.S. exports than all of Latin America and the Caribbean combined.** If you're focused on Europe, **Mexico buys more U.S. exports than the combined purchase of the U.K., Germany, Italy, and the Netherlands.** If you're focused on the new, sexy Asia-Pacific, **Mexico is buying more U.S. exports than Japan and China combined. We buy more exports than all the four BRIC countries put together,** so it's a very compelling story. 26 states in America today have Mexico as their #1 or #2 export market, and there are ten million U.S. jobs directly related to trade with Mexico in those states. So, it is very vibrant, very important to weigh economic relationship. Mexico's macroeconomic fundamentals, when the world is hurting still and still facing some of the challenges from the global recession, Mexico growth last year was five percent with 3.1 [percent] inflation and four percent unemployment. These are very compelling numbers. I think that **the macroeconomic fundamentals of Mexico are sound, and this two-way successful relationship that we have developed is critically important for the social well-being and the prosperity of Americans.**



## 1NC Link – Immigration Surveillance

### B. Link – The cost of illegal immigration harms the U.S Economy.

#### **Camarota, 2004**

(Steven A. Camarota, The High Cost of Cheap Labor Illegal Immigration and the Federal Budget, <http://www.cis.org/articles/2004/fiscalexec.html>)

When defense spending is not considered, **illegal households are estimated to impose costs on the federal treasury of \$6,949 a year or 58 percent of what other households received.** When defense spending is included, their costs are only 46 percent those of other households. However, **they pay only 28 percent as much in taxes as non-illegal households.** As a result, the estimated net cost per illegal household was \$2,736. Whether one sees this fiscal deficit as resulting from low tax payments or heavy use of services is a matter of perspective. As already discussed, illegal households comprise 3.6 percent of the total population, but as Table 2 shows they account for an estimated 0.9 percent of taxes paid and 1.4 percent of costs. Thus, both their payments and costs are significantly less than their share of the total population. Since they use so much less in federal services than other households, it probably makes the most sense to see the fiscal deficit as resulting from low tax payments rather than heavy use of public services. Total Deficit Created by Illegals. **If the estimated net fiscal drain of \$2,736 a year that each illegal household imposes on the federal treasury is multiplied by the nearly three million illegal households, the total cost comes to \$10.4 billion a year.** Whether one considers this to be a large sum or not is, of course, a matter of perspective. But, **this figure is unambiguously negative and certainly not trivial.** It is also worth remembering that these figures are only for the federal government **and do not include any costs at the state or local level, where the impact is likely to be significant.**

## AT: Non-Unique – Housing and Unemployment

[ ]

[ ] The economy is high—low unemployment, average wages, participation rate, stable credit rating all prove this.

**Kruger, 2014**

(Daniel Kruger- Phd from Loyal University of Chicago- studies patterns of economics and mortality- “Treasury's in Facing Biggest Weekly Drop Since March After Jobs”- Bloomberg June 6, 2014- <http://www.bloomberg.com/news/2014-06-06/treasuries-advance-as-u-s-employment-growth-slows-in-may.html>)

**Treasuries posted the biggest weekly drop in three months as employment gains in May pushed U.S. payrolls past their pre-recession peak and the jobless rate held at an almost six-year low. The U.S.'s AA+ credit rating was affirmed by Standard & Poor's, which cited the resiliency and diversity of the economy, almost three years after downgrading the nation for the first time.** Yields on government securities in the euro-area fell to record lows a day after the European Central Bank cut interest rates, sparking a global warming crises rush for bonds. Federal Reserve Chair Janet Yellen said May 7 labor-market conditions “are still far from satisfactory.” **“The overall economy from a job perspective is finally trending in a good way,”** Jason Rogan, managing director of U.S. government trading at Guggenheim Securities, a New York-based brokerage for institutional investors. **“From the Fed's perspective, you're starting to see very good job growth.”** Benchmark 10-year yields rose less than one basis point to 2.59 percent as of 5 p.m. in New York after earlier dropping five basis points, based on Bloomberg Bond Trader prices. The price of the 2.5 percent security due in May 2024 dropped 1/32, or 31 cents per \$1,000 face value, to 99 7/32. Yields on the securities climbed 11 basis points this week, the most since the five days ended March 7, and rose as high as 2.64 percent yesterday, the most since May 13. Two-year note yields added two basis points to 0.40 percent, the highest level since May 13, gained three basis points this week for a second five-day gain. Credit Rating New York-based S&P said today in a statement that **there is a less than one-in-three probability that the U.S.'s credit ranking will change in the next two years. The outlook on the rating is stable.** Since the August 2011 downgrade from AAA, **record budget deficits have shrunk, economic growth accelerated, the dollar rallied, stocks climbed to all-time highs** and Treasuries strengthened their hold as the world's preferred haven from turmoil. Still, S&P said a polarized **policy-making environment and high general government debt and budget deficits constrain the ratings.** “After the rating of the U.S. came under pressure because of the debt ceiling and government shut down, we actually saw a better cost of funding for the government,” David Coard, head of fixed-income trading in New York at Williams Capital Group, a brokerage for institutional investors. “We're still the safe haven everybody seeks when there's uncertainty in the world. I don't think that's changed.”

**AT: Non-Unique – Deficit Spending**

[ ] Consumer confidence is high, which is more important for the economy.

**Mutikani, 2014**

(Mutikani, Lucia. "WRAPUP 3-U.S. Retail Sales, Manufacturing Data Point at Firming Economy." Reuters. Thomson Reuters, 15 July 2014. Web. 18 July 2014.  
<<http://www.reuters.com/article/2014/07/15/usa-economy-idUSL2N0PQ0K020140715?feedType=RSS&feedName=everything&virtualBrandChannel=11563>>.  
Lucia Mutikani is a journalist and writer for Reuters.com Fred)

WASHINGTON, July 15 (Reuters) - **A gauge of U.S. consumer spending rose solidly in June, in the latest indication that the economy ended the second quarter on a stronger footing. That momentum appeared to have carried into the third quarter,** with another report on Tuesday showing factory activity in New York state expanded sharply in July. "This is not a fragile economy," said Chris Rupkey, chief financial economist at Bank of Tokyo-Mitsubishi UFJ in New York. **"The consumer continues to play their part in moving the economy forward." Core sales, which strip out automobiles, gasoline, building materials and food services, increased 0.6 percent last month** after rising an upwardly revised 0.2 percent in May, the Commerce Department said. Core sales, which correspond most closely with the consumer spending component of gross domestic product, were previously reported as being flat in May. Economists had expected them to rise 0.5 percent in June. **The report added to signs of the economy's strengthening fundamentals, which could buoy optimism the recovery is on a self-sustaining path,** after output contracted sharply in the first quarter. Federal Reserve Chair Janet Yellen told lawmakers the economy continued to improve, but noted that the recovery was not yet complete because of still-high unemployment. Yellen, however, cautioned the U.S. central bank could raise interest rates sooner and more rapidly than currently envisioned if the labor market continued to improve faster than anticipated by policymakers. Labor market conditions are firming, with the unemployment rate falling to a near six year-low of 6.1 percent in June and job growth exceeding 200,000 for a fifth straight month. Prices for U.S. Treasury debt fell on the economic data and Yellen's interest rate comments, while the dollar gained against a basket of currencies. U.S. stocks traded lower. June's gains and May's upward revision to core retail sales suggested a pickup in consumer spending in the second quarter after growing at its slowest pace in more than four years in the first quarter because of weak healthcare consumption. Forecasting firm Macroeconomic Advisers raised its second-quarter GDP growth forecast by three-tenths of a percentage point to a 3.0 percent annual pace. Goldman Sachs upped its estimate for the quarter by two-tenths to a 3.4 percent rate. UPBEAT OUTLOOK A surprise drop in receipts for automobiles, however, held overall retail sales to a 0.2 percent increase in June after advancing 0.5 percent the prior month. "Consumers will likely gain more confidence to spend as the job market improves and summer travel season hits full swing," said Randy Hopper, credit cards vice president at Navy Federal Credit Union in Vienna, Virginia. "We are optimistic that the second half of the year will deliver stronger sales growth." **From employment to manufacturing growing, the economy appears to be firing on nearly all cylinders, with even housing regaining its footing after slumping in late 2013 following a run-up in mortgage rates. Growth estimates for the second quarter top a 3.0 percent annual rate. In another report, the New York Fed said its Empire State general business conditions index jumped to 25.60 this month, the highest since April 2010, from 19.28 in June.**

**AT: No Impact – US Not Key to Global Economy**

[ ] Empirics prove our argument

**Hanson, 2008**

(Victor Davis Hanson, Senior fellow at the Hoover Institution, recipient of the 2007 National Humanities Medal and the 2008 Bradley Prize, October 2nd 2008, “America’s Nervous Breakdown – and the World,”

[http://www.realclearpolitics.com/articles/2008/10/americas\\_nervous\\_breakdown\\_and.html](http://www.realclearpolitics.com/articles/2008/10/americas_nervous_breakdown_and.html))

**Allies trust that the United States is the ultimate guarantor of free communication and commerce** — and **they want** immediate **reassurance** that their old America will still be there. **In contrast, opportunistic predators** — such as rogue oil-rich regimes — suddenly **sniff new openings. We’ve seen the connection between American economic crisis and world upheaval before. In the 1930s, the United States and its democratic allies — in the midst of financial collapse** — disarmed and largely **withdrew from foreign affairs. That isolation allowed totalitarian regimes in Germany, Italy, Japan, and Russia to swallow their smaller neighbors and replace the rule of law** with that of the jungle. **World War II followed. / During the** stagflation and **economic malaise of the Jimmy Carter years**, the **Russians invaded Afghanistan**, the **Iranians stormed our embassy in Tehran**, the **communists** sought to **spread influence in Central America, and a holocaust raged unchecked in Cambodia.** It was no surprise that an emboldened Iranian President Mahmoud Ahmadinejad once again last week called for the elimination of Israel. He’s done that several times before. But rarely has he felt brazen enough to blame world financial problems on the Jews in general rather than on just Israelis. And he spouted his Hitlerian hatred in front of the United Nations General Assembly — in New York, just a few blocks away from the ground zero of the Wall Street meltdown. / Flush with petrodollar cash, a cocky Iran thinks our government will be so sidetracked borrowing money for Wall Street that disheartened taxpayers won’t care to stop Teheran from going nuclear. At about the same time, a Russian flotilla was off Venezuela to announce new cooperation with the loud anti-American Hugo Chavez and his fellow Latin American communists. The move was a poke in the eye at the Monroe Doctrine — and a warning that from now on, the oil-rich Russians will boldly support dictatorships in our hemisphere as much as we encourage democratic Georgia and Ukraine in theirs. Chavez himself called for a revolution in the United States to replace our “capitalist” Constitution. The lunatics running North Korea predictably smelled blood, as well. So it announced that it was reversing course and reprocessing fuel rods to restart its supposedly dismantled nuclear weapons program.

**AT: No Impact – Global Economy Determines US Economy**

[ ] US economy is key to the global economy

**International Monetary Fund, 2013**

(IMF, International Monetary Fund, September 19th 2013 “Strong U.S. Economy, Strong Global Economy—Two Sides of Same Coin,”

<http://www.imf.org/external/pubs/ft/survey/so/2013/new091913a.htm>)

**In a world of increasing economic interconnections, the United States’s stake in the global recovery is greater than ever**, IMF Managing Director Christine Lagarde said in a speech to business leaders at the U.S. Chamber of Commerce in Washington, D.C. “What happens elsewhere in the world—be it the success of recovery in Europe or the continued smooth functioning of supply chains in Asia—matters increasingly for the United States,” Lagarde said. “The converse is also true. **What happens here matters increasingly for the global economy.**” Her remarks, which focused on **the interplay between the global economy and the U.S. economy, also highlighted the need to find joint solutions to secure a lasting, balanced and widely shared global recovery.** “Job creation is a critical ingredient of any economic recovery, domestic or global,” she emphasized. Businesses have a key role to play, Lagarde said, but at the same time, policymakers have an important responsibility to help “shape the environment in which businesses and citizens can thrive—and jobs can be created.” Changing global picture Lagarde said that global growth remains subdued, while acknowledging that the global economic environment is changing. She emphasized that economies are moving at different speeds and that the fruits of growth are not evenly shared, both in the United States and other countries. The U.S. economy is growing and, after a long time, so is the Euro Area. In Japan, aggressive policy support and the ongoing reform process is helping to spur growth. The emerging market economies, on the other hand, are slowing. “For some, this may be a shift toward more balanced and sustainable growth,” Lagarde told the audience. “For others, it reflects the need to address imbalances that have made them more vulnerable to the recent market turbulence.” Reinforcing the point about global interconnections, Lagarde cited the IMF’s recent “spillover” analysis, which suggests that if the world’s five major economies were to work together to adopt a more rigorous, comprehensive, and compatible set of policies, it could boost global GDP by about 3 percent over the longer run. U.S. recovery gaining strength Lagarde noted that the U.S. economy is gaining strength, calling this good news for America—and good news for the world economy. Although growth is still modest—well under 2 percent—it should accelerate by a full percentage point next year, Lagarde said, adding that the private sector is playing a key role as the engine of growth and job creation. Despite signs of strengthening, the latest jobs data present a mixed picture, with employment remaining well below pre-crisis levels. “The issue of jobs remains paramount,” said Lagarde, noting that jobs and growth is an increasingly important component of the IMF’s policy advice. Lagarde highlighted three key recommendations for U.S. policymakers, drawn from the IMF’s most recent assessment of the U.S. economy. • Fix public finances. Fiscal consolidation could be slower in the short run, but more action is needed to reduce long-run pressures on the budget. Lagarde also warned that political uncertainty over the budget and debt ceiling were not helpful to the recovery. “It is essential to resolve this, and the earlier the better,” she said, “for confidence, for markets, and for the real economy.” • Appropriately calibrate monetary policy. When the time comes, exit from unconventional monetary policy should be gradual, tied to progress in economic recovery and unemployment, and should be clearly communicated and in a dialogue. • Complete financial sector reform. While there has been progress on this front, attention needs to focus on the outstanding “danger zones,” such as derivatives and shadow banking. Global interconnections and role of IMF **Lagarde underscored the unique role of the U.S. in the global economy, noting that the economy accounts for 11 percent of global trade and 20 percent of global manufacturing. The country’s global financial ties run deep too, she said. Foreign banks hold about \$5.5 trillion of U.S. assets, and U.S. banks hold \$3 trillion of foreign assets.**

**AT: No Impact – Global Economy Resilient**

**[\_\_] We can't risk it. Economic decline causes conflict, resource competition, terrorism and war. It's an existential threat.**

**Kemp, 2010**

(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 The East Moves West: India, China, and Asia's Growing Presence in the Middle East", p. 233-4)

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; **everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates**, further weakening the global economy. **As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups**, including, but not limited to, Islamic extremists. **The internal stability of some countries is challenged, and there are more "failed states." Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet's population.**

**AT: No Impact – No War**

History proves that economic decline breeds incentives for conflict.

**Mead, 2009**

(Walter Russell Mead, the Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, February 4, 2009, "Only Makes You Stronger," The New Republic)

History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. **Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world back on track, we may still have to fight.**

Economic recessions increase risk of civil conflict

**Bloomberg and Hess, Wellesley and Oberlin economics professors, 2002**

(S. Brock and Gregory D., "The Temporal Links between Conflict and Economic Activity", Journal of Conflict Resolution, Volume 46, Number 1)

**Using an unbalanced panel of 152 countries from 1950 to 1992, we estimate a Markov probability model to investigate the joint determination of internal conflict, external conflict, and the economy.** We begin with a simple model that allows for a two-variable relationship: internal conflict and recessions, external conflict and recessions, and internal conflict and external conflict. We find that these are not independent events. **In particular, we find that recessions play an important role in determining internal conflict, especially in Africa and for nondemocratic countries. In this case, the occurrence of a recession causes an increase in the probability of internal conflict starting in a given year to almost double.** We then extend the model to allow for a three-variable relationship: internal conflict, external conflict, and recessions. In the more complicated system, we continue to find an important link. In this case, **we find that the presence of a recession coupled with an external war will actually cause the probability of an internal conflict starting in a given year to increase between two- and threefold. If this study is to convince readers and policy makers of anything, it is that the linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which internal and external conflicts self-reinforce each other.** However, the ability of government organizations to stop the spread of internal conflict to external conflict and vice versa by helping to reduce the incidence of recessions may be quite limited. Economic aid that is to improve a nation's productive capacity is likely to be difficult to identify and implement in just such circumstances.

# **Economy Disadvantage Affirmative**



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## **Summary**

The central defense against this disadvantage should focus on three areas:

1. Does the plan cause a decline in the economy? This is the easiest area to challenge, as the economy is rather large and full of many different sectors. It is hard to argue that one change in one sector would have such devastating impacts on the larger economy.
2. Is the economy currently doing well? If the Affirmative can prove that the economy is already on a downward trend, then there would be substantive difference between the status quo and the world in which the plan passes. If there's no substantive difference, then the disadvantage would not be a reason to reject the plan.
3. Is the impact overstated? Many of these generic arguments overstate their impacts to appear stronger to the judge. A smart impact defense will always challenge the likelihood of a terrifying impact happening due to a dip in the economy. It is best to draw upon the evidence provided, as well as historical examples.

## Glossary

**BRIC countries** – Brazil, Russia, India, and China.

**Credit Rating** – An evaluation of the credit worthiness of a business (company) or a government, but not individual consumers.

**Economic Decline** – A general slowdown in economic activity.

**Economic Recovery** – The process of an economy regaining levels achieved prior to downturn.

**Empirics** – Relying on observation and experimentation.

**Hyperinflation** - When price increases are so out of control that the concept of inflation is meaningless.

**Infrastructure** - The basic physical and organizational structures and facilities (e.g., buildings, roads, and power supplies) needed for the operation of a society or enterprise.

**Labor market** – The supply of available workers in relation to available work.

**Macroeconomic** – A branch of economics dealing with the performance, structure, behavior, and decision-making of an economy as a whole, rather than individual markets. This includes national, regional, and global economies.

**Markov Probability Model** – A system to model random change that assumes that future outcomes depend only on the present state, and not on any preceding events.

**Narco-dollars** – Money obtained from drug trafficking.

**National Airspace System (NAS)** – The airspace, navigation facilities and airports of the United States along with their associated information, services, rules, regulations, policies, procedures, personnel and equipment.

**Volatility** – The degree of financial variation that is possible in an economy in a short period of time.

**World Trade Organization (WTO)** – An intergovernmental organization which regulates international trade.

## No Link – Drones

[ ]

[ ] Restricting drone surveillance won't hurt the economy, private drones will still create jobs no matter the restriction on law enforcement drones.

**Bernd, 2013**

(Candice [assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#); kdf)

States Push to Regulate Domestic Drones as Industry Pushes Back The Texas law is just one of many pieces of legislation placing restrictions on the use of domestic drones to be introduced in 43 states this year, passing in eight. **Many of these state-level bills seek to require search warrants for surveillance drones used by local police departments,** and at least six states have required warrants. In 2013, Virginia put in place a two-year moratorium on the use of drones by law enforcement to develop more stringent guidelines. Legislation restricting civilian drone use has passed in states such as Florida, Tennessee, Idaho, Montana and Oregon, but other states such as North Dakota have tried to pass laws that would ban weapons from domestic drones and have failed. But **the industry is pushing back against privacy restrictions and regulations on civilian drones, saying the restrictions will hinder job creation.** In Maine, Gov. Paul LePage backed up the claim by vetoing a bill that would have required police to obtain a warrant before deploying a drone, citing concerns it would kill new aerospace jobs. **"We don't support rewriting existing search warrant requirements under the guise of privacy,"** Mario Mairena told the AP. Mairena is a government relations manager for the Virginia-based Association for Unmanned Vehicle Systems International (AUVSI), an industry group. The group's website boasts hundreds of corporate members, many of which are defense contractors. The group also has ties to the Unmanned Systems Caucus in Congress. **Whether or not requiring a warrant in law enforcement drone operations would kill jobs remains to be seen, but the integration of civilian drones into the NAS would create a considerable economic impact, to be sure.** An AUVSI report estimates that **the integration of unmanned systems in the U.S. will generate more than \$13.6 billion and create 74,000 jobs within the first three years. But strong regulations of domestic drones in the states may prove especially important depending on what guidelines the FAA puts in place to integrate the technology into the national airspace by 2015,** as some experts fear the susceptibility to co-option of unmanned systems by third-party operators could pose serious risks to domestic security.

## No Link – Drug Trade

[ ]

[ ] The drug trade destroys the U.S. economy, ending the War on Drugs would help the economy.

### Chalk, 2011

(Peter, Senior Political Scientist at RAND Corporation, Ph.D. in political science, University of British Columbia, M.A. in political studies and international relations, University of Aberdeen, “The Latin American Drug Trade Scope, Dimensions, Impact, and Response,” RAND Project Air Force, [http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND\\_MG1076.pdf](http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND_MG1076.pdf))

The narcotics trade has also significantly impeded fiscal growth and stability by diverting scarce resources away from more-productive uses. Between 1981 and 2008, federal, state, and local governments are estimated to have spent at least \$600 billion (adjusted for inflation) on drug interdiction and related law enforcement efforts; factoring in costs associated with treatment and rehabilitation, the overall total rises to around \$800 billion.<sup>34</sup> If one were to also add in “invisible” losses brought about by curtailed job opportunities and reduced workplace productivity, the true cost would be far higher. As ONDCP has observed, this financial burden is one that is shared by all of society, either directly or indirectly through higher tax dollars.<sup>35</sup>

## No Link – Immigration

[ ]

[ ] Undocumented immigrants are good for the economy because they are essential to the labor force, agriculture, and bring in millions in tax revenue.

**Goodman, 2014**

(H. A. Goodman is an author and journalist who studied International Relations at USC and worked for a brief stint at the U.S. Department of State's Foreign Service Institute, Illegal immigrants benefit the U.S. economy, <http://thehill.com/blogs/congress-blog/foreign-policy/203984-illegal-immigrants-benefit-the-us-economy>)

**According to the Pew Research Hispanic Trends Project**, there were 8.4 million **unauthorized immigrants** employed in the U.S.; **representing 5.2 percent of the U.S. labor force** (an increase from 3.8 percent in 2000). Their importance was highlighted in a report by Texas Comptroller Susan Combs that stated, **“Without the undocumented population, Texas’ work force would decrease by 6.3 percent” and Texas’ gross state product would decrease by 2.1 percent.** Furthermore, **certain segments of the U.S. economy, like agriculture, are entirely dependent upon illegal immigrants.** The U.S. Department of Agriculture states that, **“about half of the hired workers employed in U.S. crop agriculture were unauthorized, with the overwhelming majority of these workers coming from Mexico.”** The USDA has also warned that, “any potential immigration reform could have significant impacts on the U.S. fruit and vegetable industry.” From the perspective of National Milk Producers Federation in 2009, **retail milk prices would increase by 61 percent if its immigrant labor force were to be eliminated.** Echoing the Department of Labor, the USDA, and the National Milk Producers Federation, agricultural labor economist James S. Holt made the following statement to Congress in 2007: “The reality, however, is that **if we deported a substantial number of undocumented farm workers, there would be a tremendous labor shortage.**” In terms of overall numbers, The Department of Labor reports that **of the 2.5 million farm workers in the U.S., over half (53 percent) are illegal immigrants.** Growers and labor unions put this figure at 70 percent. But what about the immense strain on social services and money spent on welfare for these law breakers? The Congressional Budget Office in 2007 answered this question in the following manner: **“Over the past two decades, most efforts to estimate the fiscal impact of immigration in the United States have concluded that, in aggregate and over the long term, tax revenues of all types generated by immigrants—both legal and unauthorized—exceed the cost of the services they use.”** According to the New York Times, the chief actuary of the Social Security Administration claims that **undocumented workers have contributed close to 10% (\$300 billion) of the Social Security Trust Fund.** Finally, the aggregate economic impact of illegal immigration is debatable, but any claim that they’ve ruined the country doesn’t correlate to the views of any notable economist. **An open letter to President George W. Bush in 2006, signed by around five hundred economists (including five Nobel laureates) stated the following: “While a small percentage of native-born Americans may be harmed by immigration, vastly more Americans benefit from the contributions that immigrants make to our economy, including lower consumer prices.”**

**No Link – NSA Surveillance Slows the Economy**

[ ]

[ ] Too much surveillance impedes economic competition.

**Stiennon, 2013**

(Richard; NSA Surveillance Threatens US Competitiveness; Jun 7;

[www.forbes.com/sites/richardstiennon/2013/06/07/nsa-surveillance-threatens-us-competitiveness/](http://www.forbes.com/sites/richardstiennon/2013/06/07/nsa-surveillance-threatens-us-competitiveness/))

The vast foreign and **domestic spying** by the NSA revealed this week **threatens the global competitiveness of US tech companies.** We are told we live in a digital world and the future is bright for tech startups as costs of launching new products and services plummet and global markets open up to the smallest vendor. Yet, **there is a worldwide perception that any data that is stored or even routed through the United States is sucked into cavernous NSA data centers for analysis and cataloging.** That perception was solidified in 2006 when former AT&T technician Mark Klein blew the whistle on the fiber tap that ATT had provided to the NSA in some of its data centers. Those perceptions have had real consequences for US tech firms seeking to offer global services. **Email archiving services such as ProofPoint could not sell to even Canadian customers without building local infrastructure.** Even establishing separate data centers in Canada and Europe is not enough to assure customers that their data would forever stay out of the grasp of US intelligence services. **One of the fastest growing segments of the tech industry is cloud services,** with Salesforce.com one of the leading examples. Box.net, and other cloud storage solutions, are burgeoning. Cloud infrastructure providers like Amazon, Microsoft, and Rackspace are investing billions to serve markets that should be global but will be barred from most countries thanks to the complete abandonment of trust caused by NSA/FBI spying. **Since 2006, every time I present outside the US the same question has been asked: “Is the US reading our email?” Answers that allude to ‘protections from abuse’ and ‘oversight’ now seem specious.** From this week forward a universal suspicion has transformed into acknowledged fact. **Yes, US government agencies are reading email, tracking phone calls, and monitoring all communications.**

**Non-Unique – Housing and Unemployment**

[ ]

**[ ] US economy still struggling—housing and long term unemployment****Kohl, 2014**

(David Kohl is a professor in finance, business management and banking at Virginia Tech- “Economic indicators and confusing signals” Corn and Soybean Digest Road Warrior- May 27, 2014 <http://cornandsoybeandigest.com/blog/economic-indicators-and-confusing-signals>)

**The U.S. economy is showing mixed signals.** The lead economic index (LEI) which foretells the future of the economy has been increasing in recent months, most recently up 0.4%, which is bullish for the economy. Sixty percent of the factors that make up the LEI are exhibiting positive signs. The purchasing manager index (PMI) also illustrates a positive growth oriented economy for the next few months. The readings have consistently been above 50, a metric that suggests an expanding economy. Another positive sign is 78.6% factory capacity utilization. For comparison, at the height of the great economic recession of 2009, this figure dropped to 68%, the lowest ever recorded. Confusing Signals **Despite the forward-looking good news, housing, which is a pivotal part of the economy, is still struggling. With one in seven jobs in America tied to housing,** this engine of the economy is improving at a modest pace. Ideally, **housing starts range between 1.1 million and 1.5 million annually. In recent months, this metric has been in the 900,000 range,** and it increased to 1.072 million in April. **Reasons for the struggle include higher mortgage rates, students with over \$1 trillion of student loan debt collectively, increased regulation of mortgage lenders, the desire to rent rather than own a home, and affordability of housing with flattening or reduced wage scales. Another area of the economy that is struggling is unemployment. While the rate has declined to 6.3%, the U-6 unemployment rate which includes the long-term unemployed, discouraged workers and people mismatched in the workforce is at 12.3%. While many jobs are available, the particular skill sets needed may not be available, creating a gap.** This is particularly true in the agriculture industry with more use of technology and innovation, which requires a highly skilled agricultural workforce. Oil prices remain stubbornly high impacting consumer purchases. Copper prices, a bellwether of world economic growth and inflation, have declined by approximately 25% year-over-year. Yes, first quarter gross domestic product (GDP) growth was a paltry 0.1%. Everyone he is blaming the winter weather, but there may be other factors involved.



## Non-Unique – Deficit Spending

[ ]

[ ] Budget deficit is currently high—This is the key for international perception of the global markets.

**Hunter, 2014**

(Hunter, Greg. "Budget Deficit Exploding Out of Control -John Williams." *Greg Hunters USAWatchdog*. N.p., 13 July 2014. Web. 18 July 2014. <<http://usawatchdog.com/budget-deficit-exploding-out-of-control-john-williams/>>. Greg Hunter is a writer for usawatchdogs.com Fred).

Economist John Williams says don't be fooled by the new highs on the Dow. **Williams contends, "The economy is still in serious trouble. The banking system is still in serious trouble. The budget deficit is exploding out of control."** Williams thinks the ongoing banking crisis in Cyprus has global implications. Williams says, "You have a precedence set in Cyprus that they can seize the funds. They will not guarantee all deposits. If that's the case, you may have a much worse crisis than you had back in 2008." Williams adds, "The big problem is the government is insolvent in the long term." Williams says the U.S. dollar could start selling off in May because of a deadlock in Congress on the budget. **Williams predicts, "The global markets are looking for the U.S. to address its long term sovereign solvency issues. That's not going to happen. . . . In response, it's going to be off to the races with a dollar sell-off. That could be the trigger for the early stages of hyperinflation."** Join Greg Hunter as he goes One-on-One with John Williams of Shadowstats.com.

**No Impact – US Not Key to Global Economy**

[ ] The US isn't key to the global economy.

**Kenny, 2015**

(Charles; Why the Developing World Won't Catch the U.S. Economy's Cold; May 4; [www.bloomberg.com/news/articles/2015-05-04/why-the-developing-world-won-t-catch-the-u-s-economy-s-cold](http://www.bloomberg.com/news/articles/2015-05-04/why-the-developing-world-won-t-catch-the-u-s-economy-s-cold))

Last week the U.S. Commerce Department announced that **first-quarter GDP growth for 2015 was an anemic 0.2 percent. This immediately sparked fears that a U.S. slowdown could lead to a global recession. But the cliché about America sneezing and the rest of the world catching the cold doesn't hold like it used to.** The U.S. isn't as contagious as it was, and **developing countries in particular are far more robust to economic shocks.** That's good news for everyone. **It means less volatility** in Asia, Africa, and Latin America, which contributes to happier people, greater political stability, and stronger long-term growth—all of which should help lift the U.S. out of its own doldrums. A team of IMF researchers has looked at the long-term record of the world's economies when it comes to growth and recession. They measured how long economies expanded without interruption, as well as the depth and length of downturns. Over the past two decades, low and middle-income economies have spent more time in expansions, while downturns and recoveries have become shallower and shorter. This suggests countries have become more resilient to shocks. In the 1970s and '80s, the median developing economy took more than 10 years after a downturn to recover to the GDP per capita it had prior to that slump. By the early 2000s, that recovery time had dropped to two years. In the 1970s and '80s, countries of the developing world spent more than a third of their time in downturns, but by the 2000s they spent 80 percent of their time in expansions. **The first decade of the 21st century was the first time that developing economies saw more expansion and shorter downturns than did advanced economies: Median growth in the developing world was at its highest since 1950 and volatility at its lowest.** Developing countries still face a larger risk of deeper recession when terms of trade turn against them, capital flows dry up, or advanced economies enter recessions themselves. But **the scale of that risk has diminished.** That's **because low and middle-income economies have introduced policy reforms that increase resilience: flexible exchange rates, inflation targeting, and lower debt.** Economies with inflation-targeting regimes see recovery periods less than a third as long as economies without targeting, for example. Larger reserves are associated with longer expansions. And median reserves in developing countries more than doubled as a percentage of GDP between the 1990s and 2010.

**No Impact – Global Economy Determines US Economy**

[ ]

[ ] The global economy determines the US economy, not vice versa.

**Rasmus, 2015**(Jack; US Economy Collapses Again; May 14; [www.counterpunch.org/2015/05/14/us-economy-collapses-again/](http://www.counterpunch.org/2015/05/14/us-economy-collapses-again/))

**The problem of weak, stop-go, recovery in the U.S. today is further exacerbated by a global economy that continues to slow even more rapidly and, in case after case, slip increasingly into recessions** or stagnate at best. Signs of weakness and stress in the global economy are everywhere and growing. Despite massive money injections by its central bank in 2013, and again in 2014, Japan's economy has fallen in 2015, a fourth time, into recession. After having experienced two recessions since 2009, **Europe's economy is also trending toward stagnation** once more after it too, like Japan, just introduced a US\$60 billion a month central bank money injection this past winter. Despite daily hype in the business press, **unemployment in the Eurozone is still officially at 11.4 percent, and in countries like Spain and Greece, still at 24 percent.** Yet we hear Spain is now the 'poster-boy' of the Eurozone, having returned to robust growth. Growth for whom? Certainly not the 24 percent still jobless, a rate that hasn't changed in years. Euro businesses in Spain are doing better, having imposed severe 'labor market reforms' on workers there, in order to drive down wages to help reduce costs and boost Spanish exports. Meanwhile, **Italy remains the economic black sheep of the Eurozone, still in recession for years now, while France officially records no growth,** but is likely in recession as well. **Elites in both Italy and France hope** to copy Spain's 'labor market reforms' (read: **cut wages, pensions, and make it easier to layoff full time workers**). In order to boost its growth, Italy is considering, or may have already decided, to redefine its way to growth by including the services of prostitutes and drug dealers as part of its GDP. Were the USA to do the same redefinition, it would no doubt mean a record boost to GDP. **Across the Eurozone, the greater economy of its 18 countries still hasn't reached levels it had in 2007, before the onset of the last recession. Unlike the U.S.'s 'stop-go', Europe has been 'stop-go-stop'.**

**No Impact – Global Economy is Resilient**

[ ] The global economy is resilient.

**Behravesh, 2006**

(Nariman, most accurate economist tracked by USA Today and chief global economist and executive vice president for Global Insight, Newsweek, "The Great Shock Absorber; Good macroeconomic policies and improved microeconomic flexibility have strengthened the global economy's 'immune system.'" 10-15-2006, www.newsweek.com/id/47483)

**The U.S. and global economies were able to withstand three body blows in 2005--one of the worst tsunamis on record (which struck at the very end of 2004), one of the worst hurricanes on record and the highest energy prices after Hurricane Katrina--without missing a beat. This resilience was especially remarkable in the case of the United States, which since 2000 has been able to shrug off the biggest stock-market drop since the 1930s, a major terrorist attack, corporate scandals and war. Does this mean that recessions are a relic of the past? No, but recent events do suggest that the global economy's "immune system" is now strong enough to absorb shocks that 25 years ago would probably have triggered a downturn.** In fact, over the past two decades, recessions have not disappeared, but have become considerably milder in many parts of the world. **What explains this enhanced recession resistance? The answer: a combination of good macroeconomic policies and improved microeconomic flexibility.** Since the mid-1980s, central banks worldwide have had great success in taming inflation. This has meant that long-term interest rates are at levels not seen in more than 40 years. A low-inflation and low-interest-rate environment is especially conducive to sustained, robust growth. Moreover, central bankers have avoided some of the policy mistakes of the earlier oil shocks (in the mid-1970s and early 1980s), during which they typically did too much too late, and exacerbated the ensuing recessions. Even more important, **in recent years the Fed has been particularly adept at crisis management, aggressively cutting interest rates in response to stock-market crashes, terrorist attacks and weakness in the economy.** The benign inflationary picture has also benefited from increasing competitive pressures, both worldwide (thanks to globalization and the rise of Asia as a manufacturing juggernaut) and domestically (thanks to technology and deregulation). Since the late 1970s, the United States, the United Kingdom and a handful of other countries have been especially aggressive in deregulating their financial and industrial sectors. This has greatly increased the flexibility of their economies and reduced their vulnerability to inflationary shocks. Looking ahead, what all this means is that a global or U.S. recession will likely be avoided in 2006, and probably in 2007 as well. Whether the current expansion will be able to break the record set in the 1990s for longevity will depend on the ability of central banks to keep the inflation dragon at bay and to avoid policy mistakes.

## No Impact – No War

[ ]

[ ] Economic decline does not cause war.

**Barnett, 2009**

(Thomas P.M. Barnett, senior managing director of Enterra Solutions LLC, "The New Rules: Security Remains Stable Amid Financial Crisis," 8/25/2009)

Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that's likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly cooperation on such stimulus packaging was the most notable great-power dynamic caused by the crisis. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. The world's major economies remain governed by center-left or center-right political factions that remain decidedly friendly to both markets and trade. In the short run, there were attempts across the board to insulate economies from immediate damage (in effect, as much protectionism as allowed under current trade rules), but there was no great slide into "trade wars." Instead, the World Trade Organization is functioning as it was designed to function, and regional efforts toward free-trade agreements have not slowed. Can we say Islamic radicalism was inflamed by the economic crisis? If it was, that shift was clearly overwhelmed by the Islamic world's growing disenchantment with the brutality displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, the economic crisis did not prove to be sufficiently frightening to provoke major economies into establishing global regulatory schemes, even as it has sparked a spirited -- and much needed, as I argued last week -- discussion of the continuing viability of the U.S. dollar as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, such "diverging interests" hardly constitute signposts for wars up ahead. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that this global financial crisis has proven the great resilience of America's post-World War II international liberal trade order.

# **Politics Disadvantage (Elections)**

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## Core File Explanation for Coaches

This disadvantage is quite different from most disadvantages that the Boston Debate League has ever released in past evidence Core Files. Whereas most disadvantages tell the story about what happens to the world after the passage of the plan, the Politics Disadvantage describes what happens while the plan is in the process of being passed. There are some people in the debate world who are emphatic supporters of using the Politics Disadvantage, and there are some people who are emphatic detractors. Nonetheless, we believe that including a Politics Disadvantage this year into the Core Files will be educational for debaters for the following reasons:

1. **Research Required** – Since this disadvantage always relies on the current political situation in Washington D.C., effective debaters will have a research burden throughout the season. Debaters will have to research evidence that describes the political climate, as well as how their proposed plan might fit into that climate.
2. **News Cycle Focus** – Debaters will also have to keep abreast of current events. They will have to consider how current events both abroad and domestically impact the political situation in Washington, and therefore will be more informed overall.
3. **Perception Focus** – Most debates regarding the consequences of a plan's passage focus on facts and testimony regarding events. The Politics Disadvantage forces students to focus on how events are *perceived*.
4. **Germane to the Topic** – This year's topic is perfectly suited for this type of disadvantage because public perception of the government plays a key role in the surveillance narrative in the US. Ever since Snowden's leaks, the public has been unsure of what is true and what is not, which means that heightened political sensitivities to public perception are core to the topic.

The ultimate goal is that the Boston Debate League will release articles that give updates regarding the position between every tournament cycle. If the Politics position ever changes, we will release a new shell, as well as articles for students to cut.

The included politics position is an elections position, one of the main types of politics Disadvantages. It is not the most convincing of arguments, as you will soon see, because of the fact that the elections are so far away. It's included in the packet primarily so that students can gain an understanding of how politics positions are deployed in policy debate.

Future updates to the politics Disadvantage could include positions that discuss the political tradeoff between passing one plan over another. This would suggest that someone has limited political capital to get laws passed, and the plan would take from that limited capital, therefore preventing more important legislative items from being passed. Another form of the politics Disadvantage include focus arguments, which suggest that the plan would divert the President's focus from one type of issue, which would undermine her ability to pass important policies.



## Summary

The Politics DA begins with the assumption that the current state of politics will end in a win for Hillary Clinton in the November 2016 Presidential Election. At this point in the evidence, the Negative team will provide a piece of evidence that ties the outcome of the election to the Affirmative case. Most of the links within the different Affirmative cases discuss the political impact on the country as it stands now, and thus will be more impactful of the popularity of President Obama. The evidence then continues on to prove that Hillary Clinton's popularity, and likelihood of winning, is tied to President Obama's popularity. Thus, if an Affirmative position causes President Obama to lose power (political capital), then that will prevent Hillary Clinton from winning the 2016 Presidential Election, with the only alternative being that a Republican candidate will win. The evidence then contends that a win by a Republican candidate will lead to further problems related to global warming, international power struggles, and thus eventually extinction.

The Negative evidence includes links to each of the four Varsity cases: Immigration, Drones, Drugs, and NSA. Each of these links describes different ways in which those Affirmative cases will have negative political impacts for the Democratic Party. There is also evidence that proves the public strongly supports various types of surveillance for security reasons. The remainder of the evidence provides answers to any Affirmative arguments against the Politics DA. Two Affirmative arguments claim that Hillary Clinton is not currently in position to win the 2016 Presidential Election, making this DA irrelevant. To fight this argument, the case includes strong evidence to show why Hillary Clinton is still the frontrunner for 2016. The evidence also contends that any small change in the minds of voters could sway the entire election, claiming that currently the race is extremely close. Finally, the evidence includes arguments that prove Clinton is serious about climate change, global warming is real, and acting now is key to preventing eventual extinction due to climate change.

## Glossary (1/3)

**Anthropogenic** – (Chiefly of environmental pollution and pollutants) originating in human activity, or caused by humans.

**Barack Obama** – The 44th and current President of the United States, and the first African American to hold the office. Born in Honolulu, Hawaii, Obama is a graduate of Columbia University and Harvard Law School, where he served as president of the Harvard Law Review. He was a community organizer in Chicago before earning his law degree. He worked as a civil rights attorney and taught constitutional law at University of Chicago Law School from 1992 to 2004. He served three terms representing the 13th District in the Illinois Senate from 1997 to 2004, running unsuccessfully for the United States House of Representatives in 2000.

**Bipartisanship** – A political situation, especially in the context of a two-party system, as is the case for countries such as the United States, in which opposing political parties find common ground through compromise, in theory.

**Caucus** – A meeting of supporters or members of a specific political party or movement.

**Common Core** – An educational initiative in the United States that details what K–12 students should know in English language arts and mathematics at the end of each grade. The initiative seeks to establish consistent educational standards across the states as well as ensure that students graduating from high school are prepared to enter credit-bearing courses at two- or four-year college programs or to enter the workforce.

**Electoral College** – The institution that elects the President and Vice President of the United States every four years. The President and Vice President are not elected directly by the voters. Instead, they are elected by "electors" who are chosen by popular vote on a state-by-state basis.

**Hillary Clinton** – An American politician. She was United States Secretary of State in the administration of President Barack Obama from 2009 to 2013, a United States Senator representing New York from 2001 to 2009, and, as the wife of President Bill Clinton, First Lady of the United States from 1993 to 2001. A leading candidate for the Democratic Party's nomination to the 2008 presidential election, she has announced her candidacy for the Democratic nomination in the 2016 presidential election.

**Jeb Bush** – An American businessman and politician who served as the 43rd Governor of Florida from 1999 to 2007. He is the second son of former President George H. W. Bush and former First Lady Barbara Bush, and the younger brother of former President George W. Bush. Bush announced in mid-December 2014 that he would explore the possibility of running for President. Bush subsequently launched his presidential campaign on June 15, 2015 in Miami, Florida.

## Glossary (2/3)

**Marco Rubio** – The junior United States Senator from Florida, serving since January 2011. A member of the Republican Party, he previously served as Speaker of the Florida House of Representatives. He is one of three Latinos (all Cuban Americans) in the Senate, along with Bob Menendez of New Jersey and Ted Cruz of Texas. On April 13, 2015, Rubio announced his candidacy for president in 2016 and that he would not seek re-election to his Senate seat.

**Nate Silver** – An American statistician and writer who analyzes baseball and elections. He is currently the editor-in-chief of ESPN's FiveThirtyEight blog and a Special Correspondent for ABC News. Silver first gained public recognition for developing PECOTA, a system for forecasting the performance and career development of Major League Baseball players, which he sold to and then managed for Baseball Prospectus from 2003 to 2009. The accuracy of his November 2008 presidential election predictions—he correctly predicted the winner of 49 of the 50 states—won Silver further attention and commendation. The only state he missed was Indiana, which went for Barack Obama by one percentage point. He correctly predicted the winner of all 35 U.S. Senate races that year. He's also a former policy debater.

**Partisan** – A committed member of a political party. In multi-party systems, the term is used for politicians who strongly support their party's policies and are reluctant to compromise with their political opponents.

**Political Capital** – The trust, goodwill, and influence a politician has with the public and other political figures. This goodwill is a type of invisible currency that politicians can use to mobilize the voting public or spend on policy reform. Some thinkers distinguish between reputational and representative political capital. Reputational capital refers to a politician's credibility and reliability. This form of capital is accumulated by maintaining consistent policy positions and ideological views. Representative capital refers to a politician's influence in policy-setting. This form of capital is accumulated through experience, seniority, and serving in leadership positions. Thus, political capital—reputational and representative—is the product of relationships between opinion (public impressions), policy (legislative rewards/penalties), and political judgement (prudent decision-making).

**Primary Election** – an election that narrows the field of candidates before an election for office. Primary elections are one means by which a political party or a political alliance nominates candidates for an upcoming general election or by-election. Primaries are common in the United States, where their origins are traced to the progressive movement to take the power of candidate nomination from party leaders to the people.

**Ratchet Effect** – In sociology, the tendency for central controllers to base next year's targets on last year's performance, meaning that managers who expect still to be in place in the next target period have a perverse incentive not to exceed targets even if they could easily do so.

### Glossary (3/3)

**Swing State** – A state in which no single candidate or party has overwhelming support in securing that state's electoral college votes. Such states are targets of both major political parties in presidential elections, since winning these states is the best opportunity for a party to gain electoral votes. Non-swing states are sometimes called safe states, because one candidate has strong enough support that he or she can safely assume that they will win the state's votes.

**Thermohaline Circulation** – A part of the large-scale ocean circulation that is driven by changes in seawater density created by surface heat and freshwater flowing into the ocean. The adjective thermohaline derives from thermo- referring to temperature and -haline referring to salt content, factors that together determine the density of sea water. Wind-driven surface currents (such as the Gulf Stream) travel towards the North Pole or South Pole from the equatorial Atlantic Ocean, cooling as the water travels, and eventually sinking as it gets further north (forming North Atlantic Deep Water). This dense water then flows into the ocean basins. While the bulk of it upwells in the Southern Ocean, the oldest waters (with a transit time of around 1000 years) upwell in the North Pacific. Extensive mixing therefore takes place between the ocean basins, reducing differences between them and making the Earth's oceans a global system. On their journey, the water masses transport both energy (in the form of heat) and matter (solids, dissolved substances and gases) around the globe. As such, the state of the circulation has a large impact on the climate of the Earth.

## 1NC Shell (1/3)

## A. Uniqueness Clinton will win in 2016, but her victory hinges on close swing state elections.

## Edelman, February 2015

(Adam, "Hillary Clinton would face close 2016 race in 2 swing states: poll," Daily News, <http://www.nydailynews.com/news/politics/clinton-face-close-2016-race-2-swing-states-poll-article-1.2120186>)

Hillary **Clinton could face a tough road to victory in a hypothetical 2016 general election in two key swing states**, a new poll shows. A Quinnipiac poll published Wednesday shows that **the** former secretary of state and **presumed** Democratic **front-runner** for the 2016 nomination **would barely squeak by her toughest hypothetical Republican challenger in the swing states of Virginia and Colorado. In Virginia, Clinton would tie** former Florida Gov. George **Bush** in a prospective matchup 42% to 42%, **and would only narrowly beat out four other prominent potential Republican candidates. Clinton would squeak by Kentucky Sen. Rand Paul** 44% to 42% and would edge out former Arkansas Gov. Mike Huckabee 44% to 41% — with both contests being well within the poll's +/- 3 percentage-point margin of error. In the poll, Clinton doesn't fare much better against former New Jersey Gov. Chris Christie, who she would beat 44% to 39%, or Wisconsin Gov. Scott Walker, who she'd defeat, 45% to 40%, either. In Colorado, meanwhile, Clinton would edge out Paul and Walker in a prospective matchup by only 2 percentage points — 43% to 41% and 42% to 40%, respectively — both also within the poll's margin of error. Bush and New Jersey Gov. Chris Christie, however, were both beaten handily by Clinton in the poll in Colorado. **Both swing states would be key in any candidate's general election strategy. Obama won both states** in both 2008 and 2012 **by at least 4 percentage points, helping him to cruise to overwhelming victory in the general elections** both years. The survey of more than 1,000 voters in each of the three states was conducted Feb. 5 to 15.

## B. &lt;Insert specific link here&gt;

## 1NC Shell (2/3)

**C. Internal Link – Clinton is irrevocably tied to Obama’s popularity—it’s on the brink now.****Enten, April 2015**

(Harry, “For Better Or Worse, Clinton Is Likely Stuck Running For Obama’s Third Term,” FiveThirtyEight, April 15, <http://fivethirtyeight.com/datalab/for-better-or-worse-clinton-is-likely-stuck-running-for-obamas-third-term/>)

But all that debate and posturing are largely academic. **Clinton is already tied to Obama and is likely to remain so.** Remember when Clinton was Obama’s secretary of state and her favorable ratings ran well ahead of his? That isn’t the case anymore. Check out this chart of YouGov data since the beginning of 2013: [Graph omitted.] **Clinton’s favorable rating has fallen into line with Obama’s. The latest local regression estimate puts Clinton’s favorable rating at 48.9 percent and Obama’s at 48.5 percent.** And that understates the relationship. **Even when Clinton’s favorable rating was stronger than Obama’s, the two generally fell and rose at the same time.** The correlation between the two has been 0.79. Now the relationship is even stronger. YouGov breaks down the favorability ratings by age, gender, income, ideology, party identification, race and region. Over the past two weeks, Clinton’s favorable rating in each of these groups mirrors Obama’s. The average absolute difference between Clinton’s and Obama’s favorable ratings for the groups is just 2.6 percentage points; the median is just 2 percentage points. Keep in mind, all these differences are within the margin of error. The correlation between Clinton’s and Obama’s favorable rating in these 23 demographic groups is 0.99. **Clinton simply doesn’t seem to have a different base of support from Obama. And that’s par for the course historically.** It’s difficult for a nominee of the same party as the sitting president to run away from that president. **The favorability ratings of the nominee and the incumbent president rarely differ by more than a few percentage points.** Let’s go through all the elections in which a sitting president didn’t run for re-election. We’ll start with 1960, the first year for which we have favorability ratings. On the eve of the 1960 presidential election, Gallup found that President Dwight Eisenhower and Vice President Richard Nixon (the GOP’s nominee that year) — two very different politicians — had nearly equal favorability ratings: 83 percent of Americans gave Eisenhower a positive score on a 10-point scale, compared with 79 percent for Nixon. Eight years later, in 1968, President Lyndon Johnson’s approval ratings were so low that he decided not to run for re-election, although he still did fairly well on personal popularity. By the end of the campaign, Vice President Hubert Humphrey, the Democratic nominee, earned a 61 on the thermometer test, a favorability scale from 0 to 100 in the American National Elections Studies. Johnson was nearby with a 58. In 1988, Republican nominee and Vice President George H.W. Bush was trying to take over for President Ronald Reagan. Reagan was fairly popular, and the economy was doing well. Both earned a 60 on the thermometer test. The 2000 election is perhaps the most interesting because Vice President Al Gore, the Democratic nominee, was critiqued for not embracing President Bill Clinton’s legacy. Clinton, of course, was still dealing with the fallout from certain dalliances. For all of Gore’s running away, his thermometer rating of 57 was just 1 point above Clinton’s 56. Republican John McCain in 2008 is the lone exception. His thermometer score was 52. President George W. Bush’s was 40. Could Hillary Clinton pull off what McCain did? It’s possible. Clinton had a well-formed public profile before Obama came on the scene; she’s not running in Obama’s shadow. In addition, we don’t have a ton of data points here — just a handful of elections. So we can’t make any hard and fast rules. That said, McCain was an unusual case. He, unlike Clinton and everyone else on this list, did not serve in the incumbent president’s administration. McCain also had a considerably different ideological profile from Bush. Obama’s and Clinton’s are similar. Chances are that the current polling will hold. **Clinton’s fate will more or less be tied to Obama’s popularity and the factors that determine it. Any difference will be small, though in a very close election perhaps a small difference is all she’ll need.**

## 1NC Shell (3/3)

## D. Impact – Republican victory in 2016 causes extinction—warming and great power wars.

## Klare, 2015

(Five Colleges Prof of Peace and World Security Studies @ Hampshire College, 2/13/2015 Michael, "A Republican Neo-Imperial Vision for 2016", [http://www.truthdig.com/report/item/keystone\\_xl\\_cold\\_war\\_20\\_and\\_the\\_gop\\_vision\\_for\\_2016\\_20150213](http://www.truthdig.com/report/item/keystone_xl_cold_war_20_and_the_gop_vision_for_2016_20150213))

Ultimately, the goals of this strategy are to perpetuate the dominance of fossil fuels in North America's energy mix and to enlist Canada and Mexico in a U.S.-led drive to ensure the continued dominance of the West in key regions of the world. Stay tuned: **you'll be hearing a lot more about this ambitious strategy as the Republican presidential hopefuls begin making their campaign rounds.** Keep in mind, though, that **this is** potentially **dangerous** stuff **at every level—from the urge to ratchet up a conflict with Russia to the desire to produce and consume ever more North American fossil fuels** (not exactly a surprising impulse given the Republicans' heavy reliance on campaign contributions from Big Energy). In the coming months, the Obama administration and Hillary **Clinton's camp will**, of course, **attempt to counter this drive.** Their efforts will, however, be undermined by their sympathy for many of its components. Obama, for instance, has boasted more than once of his success in increasing U.S. oil and gas production, while Clinton has repeatedly called for a more combative foreign policy. Nor has either of them yet come up with a grand strategy as seemingly broad and attractive as Republican North Americanism. If that plan is to be taken on seriously as the dangerous contrivance it is, it evidently will fall to others to do so. **This Republican vision**, after all, **rests on the desire of giant oil companies to eliminate government regulation and bring the energy industries** of Canada and Mexico **under their** corporate **sway.** Were **this** to happen, it **would sabotage efforts to curb** carbon **emissions** from fossil fuels in a major way, while undermining the sovereignty of Canada and Mexico. In the process, **the** natural **environment would suffer** horribly **as** regulatory **constraints against** hazardous **drilling** practices **would be eroded** in all three countries. Stepped-up drilling, hydrofracking, and tar sands production would also result in the increased diversion of water to energy production, reducing supplies for farming while increasing the risk that leaking drilling fluids will contaminate drinking water and aquifers. No less worrisome, **the Republican strategy would result in a far more polarized and dangerous international environment, in which hopes for achieving any kind of peace in Ukraine, Syria, or elsewhere would disappear. The urge to convert North America into a unified garrison state under U.S. (energy) command would undoubtedly prompt similar initiatives abroad, with China moving ever closer to Russia and other blocs** forming elsewhere. In addition, **those who seek to use energy as a tool of coercion** should not be surprised to discover that they **are inviting its use by hostile parties**—and **in such conflicts the U.S. and its allies would not emerge unscathed.** In other words, **the shining Republican vision** of a North American energy fortress **will**, in reality, **prove to be a nightmare of environmental degradation and global conflict.** Unfortunately, this may not be obvious by election season 2016, so watch out.

## Link – Drone Surveillance

**B. Link – The drones lobby is incredibly influential. It would be a hard fight.**

### Replogle, 2012

(Jill, Fronteras, 6/5/12, Investigative Newsource and Reporter Sam Greenspan Contributed to this Story, The Drone Makers and Their Friends in Washington")

SAN DIEGO -- You've probably heard of the Congressional Black Caucus, or perhaps the Progressive Caucus. But what about the drone caucus? Officially, it's **the Unmanned Systems Caucus**. Primarily, the caucus **advocates for drones** — those pilot-less planes infamous for their role targeting insurgents in Afghanistan and Pakistan. They're used as a spy tool in Iran, a drug-fighting tool in Mexico and an anti-smuggling tool along the U.S.-Mexico border. Many of the most successful drone manufacturers are based in Southern California and elsewhere around the southwest. **The drone caucus** — like the technology it promotes — **is becoming increasingly important in the nation's capitol as the government looks to unmanned vehicles to help save money on defense, better patrol the country's borders and provide a new tool to U.S. law enforcement agencies and civilians.** "It's definitely a powerful caucus," said Alex Bronstein-Moffly, an analyst with First Street Research Group, a D.C.-based company that analyzes lobbying data. **It's probably up there in the more powerful caucuses that sort of is not talked about.** And, he says, **caucus members are well placed to influence government spending and regulations.** **You have members that are tapped into sort of key places,** he said. **You also have members who have been around for a long time.**



## Link – Drug Surveillance

**B. Link – While support for treatment of low-level drug offenders is high, Americans still consider drug abuse and trafficking a crisis.**

### **Pew Research Center, 2014**

(“America’s New Drug Policy Landscape”, April 2, 2014, <http://www.people-press.org/2014/04/02/americas-new-drug-policy-landscape/>)

More and more states are acting to revise drug laws: Between 2009 and 2013, 40 states took some action to ease their drug laws according to a Pew Research Center analysis of data provided by the National Conference on State Legislatures and the Vera Institute. **The public remains concerned over the problem of drug abuse – both nationally and locally. In fact, a large majority says that drug abuse across the country is either a crisis (32%) or a serious problem (55%). Half regard the problem of drug abuse in their neighborhoods, including its schools, that seriously. These views have not changed much since the mid-1990s.** Growing Support for Marijuana Legalization At the same time, there has been a major shift in attitudes on whether or not the use of marijuana should be legal. As recently as four years ago, about half (52%) said they thought the use of marijuana should not be legal; 41% said marijuana use should be legal. Today those numbers are roughly reversed – 54% favor marijuana legalization while 42% are opposed. (These findings, based on a separate survey conducted Feb. 12-26, were included in the “Millennials in Adulthood” report released March 7.)

**[ ] Elections generally affirm the status quo in drug policy.**

### **Youngers, Senior Fellow at the Washington Office on Latin America, 2013**

(Coletta A., “U.S. Elections and the War on Drugs,” 3/5, <https://nacla.org/news/2013/3/5/us-elections-and-war-drugs>)

**Three key factors help explain why continuity has prevailed over change in U.S. drug-control policies, and each presents a possible impediment to a change in course** during Obama’s second term. **First, for the most part drug “warriors” on Capitol Hill continue to have the upper hand on drug-policy issues debated in the U.S. Congress. As the elections reaffirmed the status quo in Washington, there is no reason to expect that to change. Second, the drug-war bureaucracy remains bloated, firmly entrenched, and extremely resistant to change.** Apart from a few notable exceptions at ONDCP, the same officials continue to be the driving force behind U.S. drug policy, in some cases for decades. And over the years, the drug-policy bureaucracy has obtained a great deal of autonomy from the broader official policy-making community. **Finally, because of these dynamics, high-level and committed leadership from the President is needed to begin to change the status quo. Yet the Obama administration is engaged in major debates on a range of salient issues that continue into its second term.** Based on his comments following his reelection, the president’s political capital will more likely be spent on issues such as climate change and immigration reform.

## Link – General Surveillance

### B. Link – The Public strongly supports surveillance for security reasons.

#### Givens, 2013

(Austen, Prof Cybersecurity @ Utica College, Harvard National Security Journal, July, <http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/>)

**The ratchet effect can occur because there is increased public deference to government** during crises. Legal scholars and political scientists have explored the effect of terrorism on public deference to democratic governments.[10] While the specific reasons for this vary, the research overwhelmingly points toward increased trust in government authorities in the immediate wake of terrorist attacks, though this can wane over time. **Popular support can provide the political capital necessary for legislators and executives to quickly craft and implement anti-terrorism laws. Over time, despite some slippage, public approval of these laws can continue**—particularly when the crisis that prompted the laws’ creation continues. **The ratchet effect can occur because anti-terrorism laws create a new security paradigm.** An **aggressive anti-terrorism law can fundamentally alter societal approaches to terrorism. Surveillance may increase. Police powers can expand. Intelligence efforts may grow. Public expectations** of privacy can **diminish.** In the aggregate, **these types of changes** can **represent a drastic change in a government’s approach to terrorism, and effectively create a “new normal” level of security.** **Because this “new normal” is linked to the law itself, reversing the law begins to dismantle the new security paradigm.** **From the public’s perspective, this might be an unacceptable option** because it may increase societal vulnerability to terrorism. **Government agencies also risk losing resources—personnel, money, and political support—by returning to the status quo ante.**

## Link – Immigration Surveillance

**B. Link – Challenges to Obama’s executive orders on deportation prove that the plan is deeply unpopular in over half of US states.**

### **The Economist, May 2015**

(“The Politics of Immigration: Barriers Ahead”, May 28<sup>th</sup>, 2015,  
<http://www.economist.com/blogs/democracyinamerica/2015/05/politics-immigration>)

To simplify, but not by much, **the 26 states seeking to block Mr Obama take the view that bringing immigrants in from the shadows imposes painful costs on the states where they live.** Texas and the others say that they would be forced to spend money issuing driving licences and other services to newly legal residents, **and so the president’s scheme goes way beyond an exercise of his executive powers to decide who should and should not be deported.** But 15 other, largely Democratic states side with the government, arguing that deportation priorities are an executive prerogative—and that more broadly it is a net boon to the country to let those already here work legally. **Expect all 2016 candidates to be asked where they stand on the president’s executive decisions.** Some Republicans may have planned to fudge the question, by thundering about his habit of ignoring the constitution, or by murmuring about pathways to legal status for migrants that meet lots of arduous criteria and wait a long time at the back of a line. But now that many millions of otherwise hard-working law-abiding migrants face deportation in America, it may be the job of the country’s next president to decide their fate.

## Link – NSA Surveillance

### B. Link – NSA reform is unpopular—the Paris attacks changed everything.

#### Hattem, 2015

(Julian, “NSA reform facing hard sell following Paris terror attacks,” The Hill, 2015, <http://thehill.com/policy/technology/229096-nsa-reform-faces-hard-sell-after-paris-attack>)

**The push to reform the National Security Agency isn’t getting any easier.** After a reform bill was narrowly blocked on the Senate floor late last year, civil libertarians hoped that an upcoming deadline to reauthorize some of the spy agency’s controversial powers would give them another opportunity to force changes. But **the attacks in Paris last week**, where gunmen killed 12 at a satirical newspaper and 4 at a kosher market, is making that job harder, and **strengthening the resolve of the NSA’s backers.** “I hope the effect of that is that people realize ... **the pendulum has swung way too far after [leaker Edward Snowden],**” Senate Foreign Relations Chairman Bob Corker (R-Tenn.) told reporters on Thursday. “Hopefully **people realize that the NSA plays a very, very important role in keeping Americans safe,** and my guess **there will be less of a desire to hamstring them unnecessarily,**” he added. In the next five months, Congress needs to reauthorize a key portion of the Patriot Act which authorizes the NSA to collect virtually all Americans’ phone records without warrants. The bulk collection of phone metadata — including the incoming and outgoing numbers that people dial and when the calls were made, but not people’s actual conversations — has been one of the most controversial programs unveiled by Snowden more than a year and a half ago. So far, Congress has yet to touch it. The closest lawmakers came was November, when a long-negotiated bill to end the bulk metadata collection fell just two votes short of overcoming a procedural hurdle in the Senate. After the failure of that vote, reformers pledged to press forward this year, even though the outlook seemed bleaker with a new GOP-majority. While four Republicans voted in favor of last year’s reform bill and one Democrat voted against it, the vote was largely along party lines. “We still are interested in trying to end the bulk collection of data,” Sen. Rand Paul (R-Ky.) told reporters last week. Paul, a noted libertarian, voted against the bill last year, on the grounds that it did not go far enough to rein in the NSA. The recent terror attacks have not moved him from his position, he said. “I’m in favor of having an NSA. I’m in favor of having an agency that helps to protect us by looking at signals and information, trying to put that together,” he said. However, he added, “I think the American people are not in favor of having all their phone data collected without a warrant.” The agency’s critics hoped that the June 1 sunset date for key Patriot Act provisions would force action. Civil libertarians have pledged not to reauthorize the law without substantive changes, leaving dangling the possibility that the spying powers would lapse completely. Intelligence agency officials have said that that would be disastrous for national security. Yet **the more time that passes since Snowden’s leaks, the more the public’s anger over the spy agency’s operations has dimmed. Incidents like the Paris attacks make any attempt to rein in the agency a harder political sell.** “That **metadata doesn’t look all that scary this morning,**” former NSA head Michael Hayden said on MSNBC after Wednesday’s shooting, the worst act of terror France had seen in generations. “I wouldn’t be surprised if French services picked up cellphones associated with the attack and asked Americans: ‘Where have you seen these phones active globally?’” **The Paris attacks are only the latest foreign events to interject itself in the congressional debate over the NSA in recent weeks.** Shocking videos of beheadings carried out by the Islamic State in Iraq and Syria (**ISIS**) **jolted the national consciousness last September, and sparked similar concerns about [undermining] U.S. spies.** News about ISIS hurt the effort to reform the NSA last autumn, lobbyists working on the issue said at the time.

## AT: Non-Unique – Clinton Will Lose

[ ]

[ ] Clinton is winning 2016 but it is close—other conclusions are media hype.

Chait, June 2015

(Jonathan, “Hillary Clinton Isn’t Very Popular, But She’s Winning Anyway,” NYMag, 2015, <http://nymag.com/daily/intelligencer/2015/06/hillary-clinton-unpopular-but-winning-anyway.html>)

**Politico’s measure isn’t terribly fair.** It contraposes Clinton’s current favorable ratings with her ratings while she served as secretary of State, which reached as high as 69 percent. But most of **Clinton’s fall has nothing to do with financial issues and has happened merely because she has returned from the non-partisan realm.** Figures outside of partisan conflict can enjoy wide popularity (which is why former presidents tend to get more popular — Bill Clinton remains highly popular, despite the fact that he is more culpable than his wife in their financial troubles). **The Clinton campaign was inevitably going to drag down Clinton’s popularity.** 2. Yglesias’s measure isn’t fair, either. **He cites** one measure to support his contention that Clinton is highly popular: **head-to-head polls in which Clinton defeats every Republican candidate.** [Graph omitted.] That doesn’t make her popular, let alone the most popular politician in America. **It just makes her more popular than the Republicans.** 3. The most important force in American politics is “negative partisanship” — people forming nearly unshakable habits of voting for one party or the other based not on affirmative loyalty but on antipathy toward the opposing party. In a world of negative partisanship, high levels of popularity are nearly impossible, and/but also not required in order to win. 4. The country may be divided into mutually antipathetic blocs, but those blocs are not of equal size. **People are pretty meh on the Democrats:** [Graph omitted.] **But they absolutely loathe the Republicans:** [Graph omitted.] So that explains why Clinton is leading the Republican candidates. 5. But what about her personal contribution to this lead? One measure is to compare Clinton’s popularity with Obama’s. Obama’s favorable rating is modestly positive: [Graph omitted.] ... and Clinton’s is modestly negative: [Graph omitted.] So **Clinton is** definitely not the most popular (or, to put it more accurately, least unpopular) politician in America. She’s **a bit less popular than Obama,** which may reflect her spate of bad press, or the fact that Republican messaging has begun to shift its emphasis from the horrors of Obama-ism to the horrors of Clinton-ism. She’s **also probably not unpopular enough to lose.**

## AT: Non-Unique – Jeb Bush Wins

[ ]

[ ] **Jeb loses to Hillary---too much a part of the establishment.****Todd, March 2015**

(Chuck, moderator of "Meet The Press" and NBC News' political director, "Why Hillary Clinton Needs Jeb Bush," 3/10/15, <http://www.nbcnews.com/politics/first-read/why-hillary-clinton-needs-jeb-bush-n320646>)

Why Hillary needs Jeb: Our new NBC/WSJ poll is the latest evidence to show that the **controversy** surrounding Hillary Clinton's use of personal email **isn't going to keep her from winning the Democratic nomination.** A whopping **86% of potential Democratic primary voters say that they could see themselves supporting her,** versus just 13% who couldn't, per poll that was conducted during the time the story began to grab headlines. Her overall fav/unfav hasn't changed, either -- 44% positive, 36% negative, compared with 45%-37% in January. But if there's a vulnerability for Clinton in our new poll, it's this: The country is clamoring for "change" in 2016, even more so than it was in 2008. In the poll, 59% prefer a candidate who will bring greater changes to current policies, even if he or she is less experienced and tested. That's up from the 55% who said this in July 2008 during the general-election contest between Barack Obama and John McCain. Given this desire for change, you can make the case why Hillary wants to run against -- and maybe even needs to face -- Jeb Bush. **Jeb's viewed as less of a change candidate than Clinton is:** The reason: Jeb is viewed as less of a change candidate than Clinton is, especially within his/her own party. Per the poll, **60%** of all registered voters (including 42% of Republican voters) **say that Bush represents a return to the policies of the past,** versus 27% (and 49% of GOP voters) who say he will provide new ideas and a vision for the future. By comparison, 51% of all voters (but just 24% of Democrats) think Clinton represents a return to the policies of the past, and 44% (including 73% of Democrats) say she'll provide new ideas for the future. What's more, **in a contest reduced to the popularity of last names, the Clintons are going to win:** Bill Clinton has a 56%-26% fav/unfav in the NBC/WSJ poll, versus 35%-39% for Jeb's brother, former President George W. Bush. Bottom line: Both Hillary and Jeb have a problem -- **this is a change election,** and neither are really viewed as "change" candidates. But **one is seen as representing LESS change than the other.** We know that the Clinton folks view Jeb as their strongest opponent. But is that right from this poll?

**AT: Non-Unique – Too Early to Predict**

[ ] It doesn't matter if Clinton is nominated. The GOP won't win against the Dems.

**Sirota, 2014**

(David, "Do the Midterms Spell a GOP Takeover in 2016? Not in the Slightest," In These Times, November 17,

[http://inthesetimes.com/article/17328/the\\_midterms\\_big\\_lesson\\_for\\_2016\\_elections\\_nothing](http://inthesetimes.com/article/17328/the_midterms_big_lesson_for_2016_elections_nothing))

If trends from the last two presidential elections hold, those same groups are likely to be far more energized during the next White House campaign, making Tuesday's results of limited value in predicting 2016. **If anything, data from the midterms reveal that Republicans could face a steeper climb than usual** in two years. Exit polls showed that **Republicans** actually **got a smaller percentage of the female vote** than they did in the 2010 midterms, even as many of their highest profile candidates tried to moderate their image on issues like abortion and contraception. If that trend continues, **the GOP could find itself more reliant than ever on white males**, the one slice of the American electorate on which the GOP has a lock. **But that won't be enough to win national elections with the country growing markedly less white.** According to data compiled by the Pew Research Center, **the United States is on track to become a majority-minority population in the next three decades, and people of color consistently vote more Democratic than Republican.** Republicans can try to counteract Democrats' built-in demographic advantage by influencing turnout. This, Democrats argue, is the real point of the restrictive voter identification laws that Republicans have turned to as a fix for supposed voter fraud. It is about depressing minority participation at the polls. That seems less like a sustainable long-term strategy and more like an act of desperation. Of course, Democrats have their own problems with midterm elections - namely, turnout. In 2010, the share of the electorate comprised of non-white voters dropped by 3 percentage points from the 2008 election, and the share of 18-29 year olds dropped by 6 percentage points. In that midterm election, those groups still voted Democratic, but by smaller margins. As it happens, the 2010 midterm elections look strikingly similar to the 2014 results. Exit polls from House of Representatives races in 2010 showed a national electorate made up of 35 percent self-identified Democrats, 35 percent Republicans and 29 percent independents. Exit polls from Tuesday's election showed a nearly identical breakdown. Those same polls showed the parties maintaining roughly the same level of loyalty among their own voters as in 2012. The only major difference is that **Democrats in 2014 actually improved their performance by 5 percentage points among independent voters.** But again, the midterm losses from 2010 didn't mean disaster for the party in the presidential election. Instead, **2012 brought back young and minority voters in large numbers, giving Obama his second term. The same will likely prove true,** unless the GOP goes through a very rapid transformation. To be sure, if Republicans are looking for a positive political message to take away from this midterm (beyond gaining more lawmaking power), it is that **the GOP** can probably look ahead happily to 2018. Midterms are their meat: They play to their strengths and lessen the impact of their demographic weaknesses. But they **shouldn't get overly excited about 2016** - at least not **until they come up with new a strategy and policy platform.**

**AT: No Internal Link – Only Large Changes Matter**

**[ ] An unpopular move by Obama would kill Hillary’s campaign – we’re at the tipping point.**

**Judis, 2014**

(John B., “History Shows That Hillary Clinton Is Unlikely to Win in 2016,” New Republic, November 17, <http://www.newrepublic.com/article/120303/democrats-hillary-clinton-could-lose-2016-presidential-election>)

**The chief obstacle that any Democratic nominee will face is public resistance to installing a president from the same party in the White House for three terms in a row.** If you look at the presidents since World War II, when the same party occupied the White House for two terms in a row, that party’s candidate lost in the next election six out of seven times. The one exception was George H.W. Bush’s 1988 victory after two terms of Ronald Reagan, but Bush, who was seventeen points behind Democratic nominee Michael Dukakis at the Republican convention, was only able to win because his campaign manager Lee Atwater ran a brilliant campaign against an extraordinarily weak opponent. (Democrats might also insist that Al Gore really won in 2000, but even if he had, he would have done so very narrowly with unemployment at 4.0 percent.) There are three reasons why the three-term obstacle has prevailed. The first and most obvious has been because **the incumbent has become unpopular during his second term, and his unpopularity has carried over to the nominee.** That was certainly the case with Harry Truman and Adlai Stevenson in 1952, Lyndon Johnson and Hubert Humphrey in 1968, Gerald Ford (who had succeeded Richard Nixon) in 1976, and George W. Bush and John McCain in 2008. The second reason has to do with **an accumulation over eight years of small or medium-sized grievances** that, while not affecting the incumbent’s overall popularity, still **weighed down the candidate who hoped to succeed him.** Dwight Eisenhower remained highly popular in 1960, but some voters worried about repeated recessions during his presidency, or about his support for school integration; Bill Clinton remained popular, and unemployment low, in 2000, but his second term had been marred by the Monica Lewinsky scandal, and coal-state voters worried about Democrats’ support for Kyoto while white Southern voters worried about the administration’s support for African American causes. **The third reason has to do with the voters’ blaming party gridlock between the president and congress partly on the president and his party.** That was a factor in 1960—James McGregor Burns was inspired to write *The Deadlock of Democracy* by the Eisenhower years—and it was also a factor in the 2000 elections. **In the 2016 election,** not just one, but all three of **these factors will be in play and will jeopardize the Democratic nominee. Obama and his administration are likely to remain unpopular among voters. There is already an accretion of grievances among Obama and the Democrats that will carry over to the nominee.** These include the Affordable Care Act, which, whatever benefits it has brought to many Americans, has alienated many senior citizens (who see the bill as undermining Medicare), small business owners and employees, and union leaders and workers whose benefits will now be taxed. Add to these the grievances around the administration’s stands on coal, immigration, guns, and civil rights, including most recently its support for the protestors in Ferguson. There are, of course, **many voters who would vote for a Republican regardless of who had been in office, but there are many voters in the middle** (especially in presidential years) **whose vote,** or failure to vote at all, **will be swayed by a particular grievance.** That certainly hurt Al Gore in 2000, McCain in 2008, and could hurt the Democratic nominee in 2016. It’s a very rough measure, but you can look at the shift in the independent vote in 1960, 1968, 1976, 2000, and 2008 to see how the accretion of grievances can sway voters in the middle.



**AT: No Impact – Clinton Doesn't Care About Climate Change**

[ ] Clinton is serious about climate change.

**Adler, 2015**

(Ben, "Here's What a Hillary Clinton Presidency Would Mean for Global Warming," Mother Jones, April 13, <http://www.motherjones.com/environment/2015/04/hillary-clinton-climate-change-president>)

On climate change and energy, it seems the answer is yes. For better and for worse, **Clinton's record and stances are cut from the same cloth as Obama's.** Her close confidant and campaign chair, John Podesta, served as an Obama advisor with a focus on climate policy. Like Obama and Podesta, **Clinton certainly seems to appreciate the seriousness of the threat of catastrophic climate change and to strongly support domestic policies and international agreements to reduce carbon emissions.** But, like Obama and Podesta, she subscribes to an all-of-the-above energy policy. She promotes domestic drilling for oil and natural gas, including through potentially dangerous fracking. (The Clinton campaign did not respond to our request for comment.) Here are eight important points about Clinton's climate and energy views: 1. **She understands the science.** In a December speech to the League of Conservation Voters, **Clinton said, "The science of climate change is unforgiving, no matter what the deniers may say. Sea levels are rising; ice caps are melting; storms, droughts and wildfires are wreaking havoc...If we act decisively now we can still head off the most catastrophic consequences."** 2. She thinks the politics of climate change are daunting. In the same LCV speech, she said, "The political challenges are also unforgiving. There is no getting around the fact that the kind of ambitious response required to effectively combat climate change is going to be a tough sell at home and around the world at a time when so many countries including our own are grappling with slow growth and stretched budgets." She's not wrong, but she's looking at it rather pessimistically. Polls show that a large majority of Americans support limiting carbon emissions, and are even willing to tolerate slightly higher energy prices to do so. Moreover, investing in transitioning to clean energy will ultimately mean more economic growth, not less, and that's how politicians such as Clinton should frame it. 3. **She fully supports Obama's landmark power-plant rules.** In her LCV speech, Clinton praised the EPA's proposed Clean Power Plan to regulate carbon emissions from power plants, saying, **"the unprecedented action that President Obama has taken must be protected at all cost."** As The Washington Post's Greg Sargent noted, **this is hugely important.** Reading the tea leaves, this means **she would be willing to veto any congressional Republican effort to repeal the rules**—even if they attached it to the budget and a veto meant shutting down the government. **That's an absolute must for any president who is serious about climate change.**

**AT: No Impact – Warming Isn't Real**

[ ] Overwhelming scientific evidence shows that warming is real and anthropogenic.

**Rahmstorf**, Professor at the Postdam Institute for Climate Research, 2008

(Stefan, "Anthropogenic Climate Change: Revisiting the Facts,"

[http://www.pikpotsdam.de/~stefan/Publications/Book\\_chapters/Rahmstorf\\_Zedillo\\_2008.pdf](http://www.pikpotsdam.de/~stefan/Publications/Book_chapters/Rahmstorf_Zedillo_2008.pdf))

This paper discussed the evidence for the anthropogenic increase in atmospheric CO<sub>2</sub> concentration and the effect of CO<sub>2</sub> on climate, finding that this **anthropogenic increase is proven beyond reasonable doubt and that a mass of evidence points to a CO<sub>2</sub> effect on climate** of 3°C ± 1.5°C global warming for a doubling of concentration. (This is the classic IPCC range; my personal assessment is that, in the light of new studies since the IPCC Third Assessment Report, the uncertainty range can now be narrowed somewhat to 3°C ± 1°C.) **This is based on consistent results from theory, models, and data analysis, and, even in the absence of any computer models, the same result would still hold based on physics and on data from climate history alone. Considering the plethora of consistent evidence, the chance that these conclusions are wrong has to be considered minute.** If the preceding is accepted, then it follows logically and incontrovertibly that a further increase in CO<sub>2</sub> concentration will lead to further warming. The magnitude of our emissions depends on human behavior, but the climatic response to various emissions scenarios can be computed from the information presented here. The result is the famous range of future global temperature scenarios shown in figure 3-6.50 Two additional steps are involved in these computations: the consideration of anthropogenic forcing other than CO<sub>2</sub> (for example, other greenhouse gases and aerosols) and the computation of concentrations from the emissions. Other gases are not discussed here, although they are important to get quantitatively accurate results. CO<sub>2</sub> is the largest and most important forcing. Concerning concentrations, the scenarios shown basically assume that ocean and biosphere take up a similar share of our emitted CO<sub>2</sub> as in the past. This could turn out to be an optimistic assumption; some models indicate the possibility of a positive feedback, with the biosphere turning into a carbon source rather than a sink under growing climatic stress.<sup>51</sup> It is clear that even in the more optimistic of the shown (non-mitigation) scenarios, global temperature would rise by 2–3°C above its preindustrial level by the end of this century. Even for a paleo-climatologist like myself, this is an extraordinarily high temperature, which is very likely unprecedented in at least the past 100,000 years. As far as the data show, we would have to go back about 3 million years, to the Pliocene, for comparable temperatures. The rate of this warming (which is important for the ability of ecosystems to cope) is also highly unusual and unprecedented probably for an even longer time. The last major global warming trend occurred when the last great Ice Age ended between 15,000 and 10,000 years ago: this was a warming of about 5°C over 5,000 years, that is, a rate of only 0.1°C per century.<sup>52</sup> The expected magnitude and rate of planetary warming is highly likely to come with major risks and impacts in terms of sea level rise (Pliocene sea level was 25–35 meters higher than now due to smaller Greenland and Antarctic ice sheets), extreme events (for example, hurricane activity is expected to increase in a warmer climate), and ecosystem loss.<sup>53</sup> The second part of this paper examined the evidence for the current warming of the planet and discussed what is known about its causes. This part showed that **global warming is already a measured and well-established fact, not a theory. Many different lines of evidence consistently show that most of the observed warming of the past fifty years was caused by human activity. Above all, this warming is exactly what would be expected given the anthropogenic rise in greenhouse gases, and no viable alternative explanation for this warming has been proposed in the scientific literature.** Taken together, **the very strong evidence, accumulated from thousands of independent studies, has over the past decades convinced virtually every climatologist around the world** (many of whom were initially quite skeptical, including myself) **that anthropogenic global warming is a reality with which we need to deal.**

**AT: No Impact – No Extinction**

[ ] Warming causes extinction—outweighs all other impacts.

**Deibel, 2007**

(Terry, "Foreign Affairs Strategy: Logic of American Statecraft," Conclusion: American Foreign Affairs Strategy Today)

Finally, **there is one major existential threat** to American security (as well as prosperity) of a nonviolent nature, which, though far in the future, demands urgent action. **It is the threat of global warming to the stability of the climate upon which all earthly life depends. Scientists worldwide have been observing the gathering of this threat for three decades now, and what was once a mere possibility has passed through probability to near certainty.** Indeed not one of more than 900 articles on climate change published in refereed scientific journals from 1993 to 2003 doubted that anthropogenic warming is occurring. "In legitimate scientific circles," writes Elizabeth Kolbert, "it is virtually impossible to find evidence of disagreement over the fundamentals of global warming." Evidence from a vast international scientific monitoring effort accumulates almost weekly, as this sample of newspaper reports shows: **an international panel predicts "brutal droughts, floods and violent storms across the planet** over the next century"; climate change could "literally alter ocean currents, wipe away huge portions of Alpine Snowcaps and aid the spread of cholera and malaria"; "glaciers in the Antarctic and in Greenland are melting much faster than expected, and...worldwide, plants are blooming several days earlier than a decade ago"; "rising sea temperatures have been accompanied by a significant global increase in the most destructive hurricanes"; "NASA scientists have concluded from direct temperature measurements that 2005 was the hottest year on record, with 1998 a close second"; "Earth's **warming climate is estimated to contribute to** more than 150,000 deaths and 5 million illnesses each year" as **disease spreads**; "widespread bleaching from Texas to Trinidad...killed broad swaths of corals" due to a 2-degree rise in sea temperatures. "The world is slowly disintegrating," concluded Inuit hunter Noah Metuq, who lives 30 miles from the Arctic Circle. "They call it climate change...but we just call it breaking up." From the founding of the first cities some 6,000 years ago until the beginning of the industrial revolution, carbon dioxide levels in the atmosphere remained relatively constant at about 280 parts per million (ppm). At present they are accelerating toward 400 ppm, and by 2050 they will reach 500 ppm, about double pre-industrial levels. Unfortunately, atmospheric CO2 lasts about a century, so there is no way immediately to reduce levels, only to slow their increase, **we are thus in for significant global warming; the only debate is how much and how serious the effects will be.** As the newspaper stories quoted above show, **we are already experiencing** the effects of 1-2 degree warming in more violent storms, spread of disease, **mass die offs of plants and animals, species extinction, and threatened inundation of low-lying countries** like the Pacific nation of Kiribati and the Netherlands at a warming of 5 degrees or less the Greenland and West Antarctic **ice sheets could disintegrate, leading to a sea level of rise of 20 feet that would cover North Carolina's outer banks, swamp the southern third of Florida,** and inundate Manhattan up to the middle of Greenwich Village. **Another catastrophic effect would be the collapse of the Atlantic thermohaline circulation** that keeps the winter weather in Europe far warmer than its latitude would otherwise allow. Economist William Cline once estimated the damage to the United States alone from moderate levels of warming at 1-6 percent of GDP annually; severe warming could cost 13-26 percent of GDP. But **the most frightening scenario is runaway greenhouse warming, based on positive feedback from the buildup of water vapor in the atmosphere that is both caused by and causes hotter surface temperatures.** Past ice age transitions, associated with only 5-10 degree changes in average global temperatures, took place in just decades, even though no one was then pouring ever-increasing amounts of carbon into the atmosphere. Faced with this specter, the best one can conclude is that "humankind's continuing enhancement of the natural greenhouse effect is akin to playing Russian roulette with the earth's climate and humanity's life support system.

## AT: Impact Uniqueness – Warming Irreversible

[ ]

[ ] Some warming is inevitable, but acting now is key to mitigating effects.

**Dizard, 2014**

(Wilson, citing a UN report, Digital News Producer, 7-8-14, “Act Now: Experts Say Climate Change May Not Be Inevitable”, <http://theterramarproject.org/thedailycatch/act-now-experts-say-climate-change-may-inevitable/>, Accessed 7-9-14)

**Significant climate change may not be inevitable if governments take swift and decisive action now to reduce greenhouse gases**, according to a report released Tuesday that rolls back some of the bleaker and more pessimistic assessments of recent climate negotiations. The report, prepared for the **United Nations** by **experts from leading research institutes from 15 countries**, **challenges the idea that the world can’t avoid breaching a 2 degrees Celsius rise in global average temperature** — many climate scientists have warned that an increase of 3 to 4 C is now inevitable. Moreover, they suggest defeatism on the 2 C limit target would contribute to dithering by heavily industrialized countries most responsible for climate change — the United States, China, India, major European economies and rising economic powers like Brazil and South Africa. **“We do not subscribe to the view held by some that the 2 C limit is impossible to achieve and that it should be weakened or dropped altogether,”** the authors of the report from the Deep Decarbonization Pathways Project (DDPP) wrote. Since the start of the industrial revolution two hundred years ago, the Earth’s atmosphere has seen a dramatic spike in carbon dioxide released by burning coal, oil and methane. As the gases trap solar radiation, the planet has already warmed about a degree over the last century, and **scientists say the effects are already being felt and can be seen in melting glaciers, rising sea levels and droughts — problems which are forecast to become far worse if nothing is done to reduce carbon output.**

**Politics Disadvantage  
(Elections)  
Affirmative**

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## **Summary**

The Politics Disadvantage Affirmative position provides evidence, which attacks the Negative team's conclusions about the impact of politics on the Affirmative case. The Affirmative arguments begin by arguing that the fundamental assumption of the Negative team, that Hillary Clinton will win the 2016 Presidential Election, is wrong. This assertion comes from evidence that specifically outlines why Clinton is poised to lose the general election, why Jeb Bush may win, or why it is entirely too early to predict a winner, and thus building a case around that impossible prediction is flawed.

Other pieces of Affirmative evidence show that NSA reform, limiting drone surveillance, and ending the War on Drugs all have bipartisan support. Because of this bipartisan support, the amount of influence that changes in any of these cases will not influence current politics or future elections because they will be good or bad universally, for both candidates. Another piece of evidence proves that immigration reform is a key issue for Latino voters, and that the Democrats are already poised to lose votes on this issue, meaning that a change in immigration policy would not impact the political climate.

The last pieces of Affirmative evidence discuss whether the problem is truly as severe as the Negative team claims. For example, one piece of evidence explains that only a large upswing in President Obama's popularity could affect Clinton's chances in the election. The evidence also discusses whether or not Clinton and voters actually care about climate change, and even if she does care about climate change if her resulting policies would have any significant impacts. Finally the Affirmative evidence discusses the uncertainty regarding climate change, specifically, whether it is as clear as experts claim, whether it would lead to extinction, and whether or not changing any practices now could reverse climate change if it were already occurring.

## Glossary (1/3)

**Anthropogenic** – (Chiefly of environmental pollution and pollutants) originating in human activity, or caused by humans.

**Barack Obama** – The 44th and current President of the United States, and the first African American to hold the office. Born in Honolulu, Hawaii, Obama is a graduate of Columbia University and Harvard Law School, where he served as president of the Harvard Law Review. He was a community organizer in Chicago before earning his law degree. He worked as a civil rights attorney and taught constitutional law at University of Chicago Law School from 1992 to 2004. He served three terms representing the 13th District in the Illinois Senate from 1997 to 2004, running unsuccessfully for the United States House of Representatives in 2000.

**Bipartisanship** – A political situation, especially in the context of a two-party system, as is the case for countries such as the United States, in which opposing political parties find common ground through compromise, in theory.

**Caucus** – A meeting of supporters or members of a specific political party or movement.

**Common Core** – An educational initiative in the United States that details what K–12 students should know in English language arts and mathematics at the end of each grade. The initiative seeks to establish consistent educational standards across the states as well as ensure that students graduating from high school are prepared to enter credit-bearing courses at two- or four-year college programs or to enter the workforce.

**Electoral College** – The institution that elects the President and Vice President of the United States every four years. The President and Vice President are not elected directly by the voters. Instead, they are elected by "electors" who are chosen by popular vote on a state-by-state basis.

**Hillary Clinton** – An American politician. She was United States Secretary of State in the administration of President Barack Obama from 2009 to 2013, a United States Senator representing New York from 2001 to 2009, and, as the wife of President Bill Clinton, First Lady of the United States from 1993 to 2001. A leading candidate for the Democratic Party's nomination to the 2008 presidential election, she has announced her candidacy for the Democratic nomination in the 2016 presidential election.

**Jeb Bush** – An American businessman and politician who served as the 43rd Governor of Florida from 1999 to 2007. He is the second son of former President George H. W. Bush and former First Lady Barbara Bush, and the younger brother of former President George W. Bush. Bush announced in mid-December 2014 that he would explore the possibility of running for President. Bush subsequently launched his presidential campaign on June 15, 2015 in Miami, Florida.



## Glossary (2/3)

**Marco Rubio** – The junior United States Senator from Florida, serving since January 2011. A member of the Republican Party, he previously served as Speaker of the Florida House of Representatives. He is one of three Latinos (all Cuban Americans) in the Senate, along with Bob Menendez of New Jersey and Ted Cruz of Texas. On April 13, 2015, Rubio announced his candidacy for president in 2016 and that he would not seek re-election to his Senate seat.

**Nate Silver** – An American statistician and writer who analyzes baseball and elections. He is currently the editor-in-chief of ESPN's FiveThirtyEight blog and a Special Correspondent for ABC News. Silver first gained public recognition for developing PECOTA,] a system for forecasting the performance and career development of Major League Baseball players, which he sold to and then managed for Baseball Prospectus from 2003 to 2009. The accuracy of his November 2008 presidential election predictions—he correctly predicted the winner of 49 of the 50 states—won Silver further attention and commendation. The only state he missed was Indiana, which went for Barack Obama by one percentage point. He correctly predicted the winner of all 35 U.S. Senate races that year. He's also a former policy debater.

**Partisan** – A committed member of a political party. In multi-party systems, the term is used for politicians who strongly support their party's policies and are reluctant to compromise with their political opponents.

**Political Capital** – The trust, goodwill, and influence a politician has with the public and other political figures. This goodwill is a type of invisible currency that politicians can use to mobilize the voting public or spend on policy reform. Some thinkers distinguish between reputational and representative political capital. Reputational capital refers to a politician's credibility and reliability. This form of capital is accumulated by maintaining consistent policy positions and ideological views. Representative capital refers to a politician's influence in policy-setting. This form of capital is accumulated through experience, seniority, and serving in leadership positions. Thus, political capital—reputational and representative—is the product of relationships between opinion (public impressions), policy (legislative rewards/penalties), and political judgement (prudent decision-making).

**Primary Election** – an election that narrows the field of candidates before an election for office. Primary elections are one means by which a political party or a political alliance nominates candidates for an upcoming general election or by-election. Primaries are common in the United States, where their origins are traced to the progressive movement to take the power of candidate nomination from party leaders to the people.

**Ratchet Effect** – In sociology, the tendency for central controllers to base next year's targets on last year's performance, meaning that managers who expect still to be in place in the next target period have a perverse incentive not to exceed targets even if they could easily do.

### Glossary (3/3)

**Swing State** – A state in which no single candidate or party has overwhelming support in securing that state's electoral college votes. Such states are targets of both major political parties in presidential elections, since winning these states is the best opportunity for a party to gain electoral votes. Non-swing states are sometimes called safe states, because one candidate has strong enough support that he or she can safely assume that he or she will win the state's votes.

**Thermohaline Circulation** – A part of the large-scale ocean circulation that is driven by changes in seawater density created by surface heat and freshwater flowing into the ocean. The adjective thermohaline derives from thermo- referring to temperature and -haline referring to salt content, factors which together determine the density of sea water. Wind-driven surface currents (such as the Gulf Stream) travel towards the North Pole or South Pole from the equatorial Atlantic Ocean, cooling as the water travels, and eventually sinking as it gets further north (forming North Atlantic Deep Water). This dense water then flows into the ocean basins. While the bulk of it upwells in the Southern Ocean, the oldest waters (with a transit time of around 1000 years) upwell in the North Pacific. Extensive mixing therefore takes place between the ocean basins, reducing differences between them and making the Earth's oceans a global system. On their journey, the water masses transport both energy (in the form of heat) and matter (solids, dissolved substances and gases) around the globe. As such, the state of the circulation has a large impact on the climate of the Earth.

## Non-Unique – Clinton Will Lose

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[ ] Clinton's indicators have downward trends—she'll lose the general election.

**Agiesta, June 2015**

(Jennifer, "Poll: New speed bumps for Clinton," CNN, 2015,  
<http://www.cnn.com/2015/06/02/politics/hillary-clinton-2016-poll-gop-field-close/>)

Washington (CNN) **More people have an unfavorable view of Democratic front-runner Hillary Clinton now than at any time since 2001**, according to a new CNN/ORC poll on the 2016 race. While Clinton remains strikingly dominant in the Democratic field, **the poll shows that her numbers have dropped significantly across several key indicators since she launched her campaign** in April. **A growing number of people say she is not honest and trustworthy (57%, up from 49% in March), less than half feel she cares about people like them (47%, down from 53% last July) and more now feel she does not inspire confidence (50%, up from 42% last March). In head-to-head match-ups against top Republicans, her margin is tighter than it has been at any point** in CNN/ORC's polling on the contest. On the Republican side, though, no candidate has successfully broken out of the pack. The group of seven that have come to dominate most polling on the race hold the top of the charts in this poll, Sen. Marco Rubio and Jeb Bush leading the pack with Mike Huckabee, Wisconsin Gov. Scott Walker, Sen. Ted Cruz, Ben Carson and Sen. Rand Paul all in the hunt. **Much of Clinton's fade is attributable to shifts among independents, but she's also losing some ground among her own partisans. Her support in the Democratic nomination contest has dropped 9 points since April, and though more than 8-in-10 Democrats said they thought she was honest and trustworthy earlier this year; now, just 73% say so.**

[\_\_] Clinton will lose in 2016. This evidence is future predictive.

Morriessey, March 2015

(Ed, "WaPo: Gallup data shows Hillary favorability plummeting," Hot Air, March 13,

**What happens when we look across almost a quarter of a century of Gallup data on Hillary Clinton?** Bump charted the data on Hillary's favorability since early 1992: [Graph omitted.] Three dynamics become apparent almost immediately, two of which Bump points out. First, **her numbers are almost in a free fall over the last two years since leaving the State Department, and probably since Benghazi.** Until then, Hillary had excellent favorability numbers, the best sustained trend in her national public life. Second, **Bump points out the sudden jump among those who have no opinion on Hillary's favorability** in the last year. It's now higher than it was since Bill Clinton's first year in office, and it's still going up. **That's not a good trend for a candidate who wants to argue for inevitability,** which is really the only argument Hillary has to keep the Democratic process a coronation rather than a competition. That's usually a transition stage to opposition, as Bump notes. There is a third trend, more subtle, that Bump almost hints at but never quite points out. **Look where the favorability lines trended negative. In every instance, that occurred during electoral campaigns** — even in the second presidential campaign for Bill Clinton. In 1992, 1995-6, in her Senate race in 2000, and then when she ran for the Democratic nomination in 2007-8, Hillary Clinton's favorability tanked. In fact, her negative favorability ratings were more sustained in that national election than at any other time. (The only exception was 2006, a Democratic wave election, when Hillary was mostly off the national radar in an easy re-election bid.) The lesson? **Hillary Clinton is a poor campaigner.** She got away with it in 2000 because New York was a safe place for Hillary to run. Her husband is one of the most naturally-gifted politicians of his generation, but Hillary is most decidedly not. Bill feels your pain; Hillary, as I wrote after her press conference on Tuesday, feels her own entitlement — and it shows: Americans have an affinity for brands, but the current populist trend in both parties makes dynastic politics a risk in national elections. Now, though, **the family brand for establishment politicians may matter less than the sense of entitlement that comes with it.** ... Clinton could have defused the issue, or at least mitigated it somewhat, by offering a self-deprecating apology for having imposed standards on others that she didn't follow for herself, and a pledge to allow an independent authority to vet her e-mail system. Instead, Clinton offered a haughty and imperious sneer to legitimate questions about her actions as a public figure, along with a message that might be most politely translated as pound sand. At least for the moment, though, the Clinton playbook from the 1990s isn't working. **Her performance in the press has been widely panned in the media,** even with the attack dogs baying. The New York Daily News headline read "YOU'VE GOT FAIL," while The New York Post's read "DELETER OF THE FREE WORLD." USA Today declared itself "troubled" over Clinton's "penchant for secrecy." The Washington Post quipped, "The circus is back in town." It's not the circus. It's a pretender to American royalty, demanding her coronation, and this is exactly what we can expect if Democrats are foolish enough to nominate her in 2016. As her book tour showed, Hillary is a political mediocrity ... at best. **That's why she lost the nomination in 2008 to a one-term Senate backbencher** even with Bill trying to pull her across the finish line, and that's when the Clintons were still culturally relevant. If a reasonably gifted Democrat challenged her, Hillary would likely lose the nomination again. If Democrats move forward with the coronation, **those trend lines will have 20 months to develop into yet another electoral disaster for Hillary.**

## Non-Unique – Jeb Bush Wins

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[ ] Jeb could beat Hillary in the general election.

**Hiassen, 2015**

(Carl, "Carl Hiassen: Jeb could ruin Hillary's political run," Miami Herald, 1/17, <http://www.miamiherald.com/opinion/opn-columns-blogs/carl-hiassen/article7033457.html>)

And anybody who can get in Jeb's way makes life easier for Hillary. **Jeb is** definitely not whom she wants to face in the election. Among potential GOP candidates he's **currently the only one who could beat her in Florida — and it's practically impossible to win the White House without winning Florida.** Just ask Romney. Or John McCain, John Kerry, Al Gore and Bob Dole. The last presidential candidate to take the Sunshine State but lose the national election was Jeb Bush's father back in 1992. **If you're Hillary, you're nervous about Jeb because he remains well-liked here although he hasn't campaigned for office in more than a decade.** Hillary is sharp enough to know that **Jeb got be governor** — and was easily re-elected — **by drawing thousands of crossover votes from Florida Democrats.** She would rather not test the durability of his popularity here, or nationally. It would be ideal for her if the Republicans nominated a tea-party hothead, thus alienating millions of American voters except for the cranky old white people who listen to Rush Limbaugh. If that happened, Hillary could put her campaign on autopilot. She'd win in a landslide. If you are her, you pray for the GOP to completely lose its marbles and choose somebody like Rick Santorum or Ted Cruz. This would be such a slam dunk that Hillary Democrats dare not mention the possibility for fear of jinxing it. A race against even Romney could also be a breeze, though the odds are slim that the Republicans will give him another shot. Still, anything can happen in the primaries, especially since these knuckleheads insist on starting in Iowa, which demographically resembles Finland more than it does the United States. If you're Hillary, **things were looking super solid for 2016 until Jeb started making moves** like he was going to run. Now what do you do? You had counted on locking up the huge Hispanic vote, yet **here's a Republican who speaks fluent Spanish and openly favors a more compassionate immigration policy** than his party espouses. This will be a problem. If Jeb were more like Romney, you could depend on him to flip-flop and retreat to an extreme position that would drive away Latino voters in droves. So far, though, Jeb hasn't backed down. **While** Sen. Marco Rubio and **other** possible GOP **candidates are still whining about same-sex marriages, Jeb has wisely thrown in the towel and says it's time to respect all sides** of the debate, wishing the best for the couples now marrying. If you're Hillary, you want to pull your hair out. You never planned on running against a Republican who respected gays and lesbians. It's not fair! **If Jeb sustains this tolerant tone, Hillary will be forced to devise a new attack strategy. You can't really slam him just for being another Bush without getting slammed yourself for being another Clinton.** The fact that Bill is dear friends with Jeb's dad, the elder George, also complicates that formula. **Nor can you slop any blame on Jeb for invading Iraq because that was his brother's call — and you voted for it yourself as a senator.** You totally fell for all that crap about weapons of mass destruction. So scratch Bush fatigue off the list of campaign issues. Ditto for Iraq. On education, **Jeb supports the Common Core curriculum in defiance of the GOP's right wing, eliminating another potential weapon from Hillary's debate arsenal.**

## Non-Unique – Too Early to Predict

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[ ] It's way too early to predict—and Nate Silver is never wrong.

**Silver, 2015**

(Nate, "Clinton Begins the 2016 Campaign, And It's A Toss-up," FiveThirtyEight, April 12, <http://fivethirtyeight.com/features/clinton-begins-the-2016-campaign-and-its-a-toss-up/>)

**There's already plenty of bad punditry regarding the chances of Hillary Clinton** — who officially announced her candidacy on Sunday — to become the 45th president. You can find Democrats boasting about their "blue wall" in the Electoral College and how hard this will make it for any Republican to win. Or Republicans warning that the Democratic Party rarely wins three elections in a row. **Most of this analysis is flimsy. So is the commentary about the ups-and-downs in early swing state polls.** And when you see some pundit declaring a minor misstep to be a "game changer," find someone else to follow on Twitter. **The truth is that a general election win by Clinton** — she's very likely to become the Democratic nominee — **is roughly a 50/50 proposition.** And we're not likely to learn a lot over the rest of 2015 to change that. Here's why: Incumbency and Obama's Approval Rating. **Start with the fact that there's no incumbent president running.** There actually haven't been a lot of cases that precisely meet the circumstances voters will face next year: Barack Obama, assuming he serves out the rest of his term, will become just the fifth president limited by the 22nd Amendment from seeking an additional term in office.<sup>1</sup> Still, **the evidence we have from presidential elections and from other contexts like gubernatorial elections is that these cases default to being toss-ups.**

## Link Turn – NSA Reform Popular

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[ ] Support for NSA reform is universal and impassioned.

**Ackerman and Siddiqui, May 2015**

(Spencer and Sabrina, "NSA surveillance opposed by American voters from all parties, poll finds," The Guardian, 2015, <http://www.theguardian.com/us-news/2015/may/18/us-voters-broadly-opposed-nsa-surveillance>)

With five days in the legislative calendar remaining before a pivotal aspect of the Patriot Act expires, **a new poll shows widespread antipathy to mass surveillance**, a sense of where the debate over the National Security Agency's powers stands outside of Washington. Commissioned by the American Civil Liberties Union and carried out by the Global Strategy Group and G2 Public Strategies, **the poll of 1,001 likely voters found broad opposition to government surveillance across partisan, ideological, age and gender divides. Sixty percent of likely voters believe the Patriot Act ought to be modified**, against 34% that favor its retention in its current form. The NSA uses Section 215 of the Patriot Act as the legal basis for its daily collection of all Americans' phone data, as the Guardian revealed in June 2013 thanks to whistleblower Edward Snowden, a practice that a federal appeals court deemed illegal on 7 May. Opposition to reauthorizing the Patriot Act without modification cuts against a bill by the GOP Senate leader, Mitch McConnell of Kentucky. The poll found **58% of Republicans favor modification**, the subject of a rival bipartisan bill that recently passed the House, with only 36% of them favoring retention. Self-identified "very conservative" voters favor modification by a 59% to 34% margin. **The margins for Democrats are similar to those for Republicans. Independent voters, however, are even less enthusiastic about mass domestic surveillance: 71% want the Patriot Act modified**, versus 22% who favor keeping it as it is, **which pollster Greg Strimple called "intense". More than three-quarters of likely voters** the poll interviewed **opposed related aspects of current surveillance authorities and operations**. Eighty-two percent are "concerned" about government collection and retention of their personal data. Eighty-three percent are concerned about government access to data stored by businesses without judicial orders, and 84% want the same judicial protections on their virtual data as exist for physical records on their property. The same percentage is concerned about government use of that data for non-counter-terrorism purposes. **"Consensus on this issue is bipartisan,"** said Strimple.

[ ] NSA reform is popular among most Americans.

### Page, 2014

(Susan, "Poll: Most Americans now oppose the NSA program," USA Today, January 20, <http://www.usatoday.com/story/news/politics/2014/01/20/poll-nsa-surveillance/4638551/>)

WASHINGTON -- **Most Americans now disapprove of the NSA's sweeping collection of phone metadata, a new USA TODAY/Pew Research Center Poll finds, and they're inclined to think there aren't adequate limits in place to what the government can collect.** President Obama's announcement Friday of changes in the surveillance programs has done little to allay those concerns: By 73%-21%, those who paid attention to the speech say his proposals won't make much difference in protecting people's privacy. **The** poll of 1,504 adults, taken Wednesday through Sunday, shows a **public** that **is more receptive than before to the arguments made by former NSA contractor Edward Snowden.** His leak of intelligence documents since last spring has fueled a global debate over the National Security Agency's surveillance of Americans and spying on foreign leaders. Those surveyed now split, 45%-43%, on whether Snowden's disclosures have helped or harmed the public interest. The snapshot of public opinion comes as the White House, the intelligence agencies and Congress weigh significant changes in the way the programs are run. In his address, Obama insisted no illegalities had been exposed but proposed steps to reassure Americans that proper safeguards were in place. **By nearly 3-1, 70%-26%, Americans say they shouldn't have to give up privacy and freedom in order to be safe from terrorism.** That may reflect the increasing distance from the Sept. 11 attacks more than a decade ago that prompted some more of the more aggressive surveillance procedures. "In trading off between civil liberty and national security, the American public decisively favors national security when it feels the threat acutely and imminently but tilts in the other direction when the threats seem more remote," says Peter Feaver, a National Security Council aide for presidents George W. Bush and Bill Clinton. Among those who paid attention to Obama's speech, **only 13% say his proposals to rein in the surveillance programs would make it more difficult for the government to fight terrorism.** Only half of those surveyed said they had paid even a little attention to the speech, however. The president called for a third party rather than the government to hold the massive stores of phone metadata, and he said intelligence analysts would need a court order to search it except in emergencies. He proposed establishing a panel of independent lawyers who could argue in some cases before the super-secret Foreign Intelligence Surveillance Act court. And he said the United States would stop eavesdropping on friendly foreign leaders. **Attitudes toward the surveillance program have turned more negative since** last June and July, **when the Snowden revelations were new.** In polls in June and July 2013, more Americans approved of the program than disapproved. Now, by 53%-40%, a majority disapproves



## Link Turn – Latino Voters Key to Swing States

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[ ] **Four of the seven swing states will be driven by the Latino voter base who consider immigration issues at the forefront of election issues.**

**Suson**, staff writer for Potus2016.org, **June 2015**

(Esther Elizabeth, B.A. in Humanities and an M.A. in Political Economy from the University of Asia and the Pacific, staff writer, "Swing States to Watch in the 2016 Election," June 16, 2015, <http://potus2016.org/swing-states-election-2016/>)

With racial diversity a fact or on the rise in four out of the seven swing states, presidential candidates will have a hard time skirting this issue as they campaign. **Polls among Latinos show that immigration reform is very significant, with 53% selecting it as one of the most important issues in 2016.** Democrats tend to be more open-minded on the issue of illegal immigrants remaining in the United States while Republicans tend towards the other end of the spectrum. **With President Obama's policies on immigration constantly under fire, the issue is likely to remain until the 2016 elections. Given the diversity of swing states, it might be said that Democrats have an advantage, particularly in Nevada and Colorado.** In these states, and others such as Florida, Democrats need to convince their traditionally non-white voters that tending Democratic is still a good thing. On the other hand, Republicans, used to targeting a whiter swath of voters, are faced with a demographic that they will be forced to take account of during the 2016 elections. Presidential hopeful Hillary Rodham Clinton declared that she would pursue a policy that eventually allows citizenship for illegal immigrants. On the other hand, most Republican hopefuls such as Jeb Bush, Rand Paul, and Mike Huckabee hover somewhere between legal-but-not-citizenship status, and deportation. Marco Rubio is silent on the matter so far, which is understandable: being of Cuban ancestry and simultaneously a Republican makes it difficult. **With a Democratic opponent who is less vocal on immigration reform than Clinton, Republicans could win through lack of voter turnout. Without that, however, they might be hard-pressed to win the growing Hispanic vote.**

## Link Turn – Drone Limitations Popular

[ ] Drone surveillance has caught the attention of the American public, and they favor limitations.

### Crump and Stanley, 2013

(Catherine, staff attorney with the ACLU's Speech, Privacy, and Technology Project and a nonresident fellow with the Stanford Center for Internet and Society, Jay, senior policy analyst with the ACLU's Speech, Privacy, and Technology Project and editor of the ACLU's Free Future blog, 2/11/2013, "Why Americans Are Saying No to Domestic Drones," [http://www.slate.com/articles/technology/future\\_tense/2013/02/domestic\\_surveillance\\_drone\\_bans\\_are\\_sweeping\\_the\\_nation.html](http://www.slate.com/articles/technology/future_tense/2013/02/domestic_surveillance_drone_bans_are_sweeping_the_nation.html))

In the past year, the American public has begun to pay more and more attention to the issue of domestic surveillance drones. And now, **recent events suggest we might be seeing the emergence of a genuine national movement against the use of surveillance drones by law enforcement.** With any luck, this may even set the stage for a wider dialogue about the increasingly intrusive technologies that are intended to catch crooks—but that all too often cast an overly broad net. **Last week, after an especially raucous city council hearing, the Seattle police department terminated its drones program** and agreed to return the purchased equipment to the manufacturer. This came just days after both houses of the Virginia state legislature passed historic bills imposing a two-year moratorium on the use of drones by law enforcement and regulatory agencies in the state. In Florida, a potentially even more significant bill imposing a judicial warrant requirement on police use of drones continued to march toward passage. Similar legislation has been proposed in at least 13 other state legislatures around the country so far. **Of all the threats to privacy that we face today, why have drones caught the attention of the American public to such a remarkable degree? One possibility is that there's something uniquely ominous about a robotic "eye in the sky."** **Many privacy invasions are abstract and invisible—data mining, for example, or the profiling of Internet users by online advertisers. Drones, on the other hand, are concrete and real,** and the threat requires no explanation. But they are just the most visible example of a host of new surveillance technologies that have the potential to fundamentally alter the balance of power between individuals and the state. Physically tailing a suspect requires teams of police officers working 24/7, but now police can slap GPS devices on a suspect's car and then sit in the station house tracking his movements on a laptop. Now that the wholesale surveillance of American life is becoming cheap and easy, legal protections are all the more important. The drone issue has also gained momentum because the concern over it is bipartisan. While Democrats get most of the credit for pushing back on national surveillance programs, it was the Republican Party's 2012 platform that addressed domestic surveillance drones, stating that "we support pending legislation to prevent unwarranted or unreasonable governmental intrusion through the use of aerial surveillance." The ACLU of Virginia, for instance, teamed up with one of the state's most conservative lawmakers to introduce a drone regulation bill in the state House of Delegates, while its Senate companion bill was introduced by a progressive. Florida's drone regulation legislation is being almost entirely pushed by conservatives—and in most states, the legislative efforts we've seen so far have been conservative or bipartisan. Privacy issues are always less partisan than many other political questions, but the support for action on drones from both left and right has been remarkable.

## Link Turn – Ending WOD Popular

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[ ] Americans are ready to end the war on drugs—polls prove.

**Drug Policy Alliance, 2014**

(Drug Policy Alliance is the nation's leading organization promoting drug policies that are grounded in science, compassion, health and human rights, “New Pew Poll Confirms Americans Ready to End War on Drugs”, April 2, 2014, <http://www.drugpolicy.org/about-drug-policy-alliance>)

A new national survey released today by the Pew Research Center reveals that a broad majority of Americans are ready to significantly reduce the role of the criminal justice system in dealing with people who use drugs. Among the key findings of the report: **More than six in ten Americans (63%) say that state governments moving away from mandatory prison terms for drug law violations is a good thing**, while just 32% say these policy changes are a bad thing. This is a substantial shift from 2001 when the public was evenly divided (47% good thing vs. 45% bad thing). **The majority of all demographic groups, including Republicans and Americans over 65 years old, support this shift.** At the same time, there has been a major shift in attitudes on whether the use of marijuana should be legal. As recently as four years ago, about half (52%) said they thought the use of marijuana should not be legal; 41% said marijuana use should be legal. Today those numbers are roughly reversed – **54% favor marijuana legalization** while 42% are opposed. Just 16% say it should not be legal for either medical or recreational use. **Two-thirds (67%) say the government should focus more on providing treatment for people who use drugs like cocaine and heroin. Just 26% think the focus should be more on prosecuting people who use such drugs.** “There’s a new consensus that mandatory minimums are no longer appropriate for **drug and other nonviolent offenders**,” said Ethan Nadelmann, executive director of the Drug Policy Alliance. “This is reflected and confirmed by the growing bipartisan support for rolling back and ending such laws.” “It’s good to see yet another poll confirm the results of other state and national polls showing majority support for legalizing marijuana,” continued Nadelmann. “And it’s nice to see that **Americans overwhelmingly support treatment-instead-of-incarceration**. But it’s important to recognize that there has been overwhelming support for treatment-instead-of-incarceration for well over a decade now – and that we’ve reached the point where the public needs to be better educated about the benefits of providing treatment outside the criminal justice system rather than within and through it. It would be a shame if this latest poll result were used to promote drug courts and other coercive, abstinence-only programs rather than meaningful treatment in the community.”

**No Internal Link – Only Large Changes Matter**

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**[ ] Only a large upswing in Obama’s popularity could affect Hillary’s chances.****Roarty, 2015**

(Alex, “Predictive Intelligence,” National Journal, February 14,  
<http://www.nationaljournal.com/magazine/predictive-intelligence-20150213>)

**The best-known forecasting tool** of the bunch—and one that plainly spells out Clinton's looming trouble—is Abramowitz's "Time for Change" model. He first built it before George H.W. Bush's 1988 election, and he has used it to predict the winner of the popular vote in the seven White House races since. (The model predicted that Al Gore would win the presidency in 2000, when he became the first person since Grover Cleveland to earn the majority of the popular vote nationally but lose the Electoral College.) The model **uses** just three variables to determine the winner: **the incumbent's approval rating**, economic growth in the second quarter of the election year, and the number of terms the candidate's party has held the White House. Official forecasts aren't made until the summer before the presidential election. But reasonable estimates rooted in current political and economic conditions demonstrate Clinton's vulnerability. **Consider this scenario:** President **Obama retains equal levels of approval and disapproval**, better than he has had most of his second term; and gross domestic product growth in the second quarter of 2016 holds at 2.4 percent, the same as last year's rate of growth. **Under this scenario**, the "Time for Change" model projects that **Clinton will secure just 48.7 percent of the popular vote**. In other words, **she loses. Slight increases in Obama's approval rating** and economic growth **aren't enough to change the outcome for Clinton. Every 10-point improvement in the president's approval**—if, for example, 55 percent of voters approved of Obama while 45 percent didn't—**earns Clinton only an additional 1 percentage point of the popular vote**. It takes an extra 1 percent year-over-year GDP growth to give Clinton an extra half percentage point of the popular vote. For Clinton to reach 50 percent of the popular vote, under this model's rules, the president would need to see a 5-point increase in his approval rating and GDP growth would have to hit 3.5 percent. It's certainly possible, but it's fair to call that a best-case scenario for Obama in his final year as president.

**No Impact – Clinton Doesn't Care About Climate Change**

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**[ ] Nobody cares about climate change, including Hillary Clinton.****Baume, June 2015**

(Matt, "None of the 2016 Republican Presidential Candidates Care Much About Climate Change," The Stranger, 2015, <http://www.thestranger.com/features/feature/2015/06/03/22323229/none-of-the-2016-republican-presidential-candidates-care-much-about-climate-change>)

Worryingly, **Hillary Clinton's campaign hasn't made much noise about climate change, either.** She's definitely saying more than her Republican opponents, to be fair. She supports the reduction of power-plant emissions under the Clean Air Act; her campaign chairman, John Podesta, was previously a climate-change adviser for President Obama; and she doesn't try to pretend that nobody could possibly understand the science. "Sea levels are rising; ice caps are melting," she says. "If we act decisively now, we can still head off the most catastrophic consequences." Oh, but wait—former secretary of state **Clinton also supported Gulf Coast oil drilling and gave a thumbs-up to fracking overseas. Under her leadership, the US State Department colluded with energy companies to expand fracking operations in other countries,** the facts of which were disclosed later by WikiLeaks. It would be nice to believe that this was secretly a form of clever espionage (we'll weaken hostile foreign powers by causing earthquakes in their countries and setting their tap water on fire!). But **the Clinton Foundation also raked in millions of dollars from oil conglomerates,** so it's more likely just a case of millionaires doing favors for millionaires. And **when it comes to the Keystone XL pipeline, she's adopted a stance not unlike her Republican adversaries: clamming up. "You won't get me to talk about Keystone because I have steadily made clear that I'm not going to express an opinion," she told an audience a few months ago.**

[ ] Clinton's environmentalism is just empty rhetoric and won't solve warming.

**Seitz-Wald**, political reporter for MSNBC, 2014

(Alex Seitz-Wald 14, political reporter for MSNBC, "Climate activists not ready for Hillary," 9/21/14, <http://www.msnbc.com/msnbc/climate-activists-not-ready-hillary-clinton>)

NEW YORK – Some of the prominent environmental activists who gathered Sunday in New York City for a massive climate change march are not ready to support Hillary Clinton if she decides to run for president. "I think Hillary Clinton has an awful lot to demonstrate to environmentalists and people who care about climate change." Bill McKibben, the founder of 350.org, who helped organize the march, told msnbc. "She oversaw the complete fiasco that was the Copenhagen Conference as secretary of state. That was the biggest foreign policy failure since Munich. It's not a proud record." Clinton has often touted her record on fighting climate change, and put the 2009 climate conference in Copenhagen front and center. In her new book, "Hard Choices," Clinton devotes the bulk of a chapter to the negotiations, writing that her work produced a deal that, "while far from perfect, saved the summit from failure and put us on the road to future progress." And on Sunday, Clinton allies defended her environmental bona fides. "As Secretary Of State, Hillary Clinton led efforts to combat the growing threat of climate change both at home and abroad. Clinton created a special envoy for climate change, and she launched the Climate and Clean Air Coalition – a group of 37 countries that agreed to work to reduce their emissions. At the Clean Energy Summit held recently in Nevada, Clinton said climate change is 'the most consequential, urgent, sweeping collection of challenges we face as a nation and a world,'" said Adrienne Watson of the pro-Clinton rapid response group Correct the Record. But Van Jones, a former Obama White House advisor on green jobs, said Clinton is "going to have to reassure a lot of people because of her position on fracking," the new technology used to extract oil and gas from shale. "I think she has some distance to make up in terms of reassuring people about where she comes down as a climate champion," Jones told msnbc. The demonstration in Midtown Manhattan, which drew tens of thousands of demonstrators of all ages and from around the world, attracted a number of celebrities and big name advocates, as well. Mark Ruffalo, the movie star and environmental activist who was present at the march, said that Clinton's support for fracking could be harmful. "Unless she changes that, the climate change voters, the people who take this very seriously, are not going to be able to get behind her," he told msnbc. "If someone can offer up another way forward, [climate voters] are going to get behind that person. Just like Obama, they got behind him," Ruffalo continued, suggesting Sens. Elizabeth Warren or Bernie Sanders as possible alternatives. "These are people who get this, who are not beholden to this 100-year-old fossil fuel stranglehold on leaders like Hillary Clinton." A recent investigation from Mother Jones magazine detailed how Clinton's state department promoted the fracking aboard and Maura Cowley, the Executive Director of the Energy Action Coalition, which organizes youth around environmental issues, also cited fracking as a concern. "I think she's done amazing work and made some bold commitments on climate change, but her support of fracking has been very troubling for the youth vote," she told msnbc. "We're really hoping for her to also take a bolder stance on tar sands. We're very excited, but we think she needs to be doing more."

**No Impact – Warming Isn't Real**

[ ] **No warming now – computer models are exaggerated.**

**Allegre et al**, from the Wall Street Journal, **2012**

(Signed by 16 scientists<sup>1</sup>, "No Need to Panic About Global Warming," January 19, <http://online.wsj.com/article/SB10001424052970204301404577171531838421366.html>)

A candidate for public office in any contemporary democracy may have to consider what, if anything, to do about "global warming." Candidates should understand that the oft-repeated claim that nearly all scientists demand that something dramatic be done to stop global warming is not true. In fact, **a large and growing number of distinguished scientists** and engineers **do not agree that drastic actions on global warming are needed**. In September, **Nobel Prize-winning physicist** Ivar Giaever, a supporter of President Obama in the last election, publicly **resigned** from the American Physical Society (APS) **with a letter that begins**: "I did not renew [my membership] because **I cannot live with the [APS policy] statement**: 'The evidence is incontrovertible: Global **warming is occurring**. If no mitigating actions are taken, significant disruptions in the Earth's physical and ecological systems, social systems, security and human health are likely to occur. We must reduce emissions of greenhouse gases beginning now.' In the APS it is OK to discuss whether the mass of the proton changes over time and how a multi-universe behaves, but the evidence of global warming is incontrovertible?" In spite of a multidecade international campaign to enforce the message that increasing amounts of the "pollutant" carbon dioxide will destroy civilization, **large numbers of scientists**, many very prominent, **share the opinions** of Dr. Giaever. And the number of scientific "heretics" is growing with each passing year. **The reason is a collection of stubborn scientific facts**. Perhaps **the most inconvenient fact is the lack of global warming for well over 10 years now**. This is known to the warming establishment, as one can see from the 2009 "Climategate" email of climate scientist Kevin Trenberth: "The fact is that we can't account for the lack of warming at the moment and it is a travesty that we can't." But the warming is only missing if one believes computer models where so-called feedbacks involving water vapor and clouds greatly amplify the small effect of CO<sub>2</sub>. The lack of warming for more than a decade—indeed, the smaller-than-predicted warming over the 22 years since the U.N.'s Intergovernmental Panel on Climate Change (IPCC) began issuing projections—suggests that **computer models have greatly exaggerated how much warming additional CO<sub>2</sub> can cause**. Faced with this embarrassment, those promoting alarm have shifted their drumbeat from warming to weather extremes, to enable anything unusual that happens in our chaotic climate to be ascribed to CO<sub>2</sub>. Alarmism over climate is of great benefit to many, providing government funding for academic research and a reason for government bureaucracies to grow.

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<sup>1</sup> Claude Allegre, former director of the Institute for the Study of the Earth, University of Paris; J. Scott Armstrong, cofounder of the Journal of Forecasting and the International Journal of Forecasting; Jan Breslow, head of the Laboratory of Biochemical Genetics and Metabolism, Rockefeller University; Roger Cohen, fellow, American Physical Society; Edward David, member, National Academy of Engineering and National Academy of Sciences; William Happer, professor of physics, Princeton; Michael Kelly, professor of technology, University of Cambridge, U.K.; William Kininmonth, former head of climate research at the Australian Bureau of Meteorology; Richard Lindzen, professor of atmospheric sciences, MIT; James McGrath, professor of chemistry, Virginia Technical University; Rodney Nichols, former president and CEO of the New York Academy of Sciences; Burt Rutan, aerospace engineer, designer of Voyager and SpaceShipOne; Harrison H. Schmitt, Apollo 17 astronaut and former U.S. senator; Nir Shaviv, professor of astrophysics, Hebrew University, Jerusalem; Henk Tennekes, former director, Royal Dutch Meteorological Service; Antonio Zichichi, president of the World Federation of Scientists, Geneva

## No Impact – No Extinction

[ ]

[ ] No extinction – we have time to adapt.

**Mendelsohn**, Professor of Environmental Studies at Yale University, **2009**  
(Robert O., “Climate Change and Economic Growth,”  
<http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf>)

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, **society’s immediate behavior has an extremely low probability of leading to catastrophic consequences.** The science and economics of climate change is quite clear that **emissions** over the next few decades **will lead to only mild consequences.** The **severe impacts** predicted by alarmists **require a century (or two** in the case of Stern 2006) of no mitigation. Many of the **predicted impacts assume** there will be **no** or little **adaptation.** The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of **these** “potential” **impacts will never occur because people will adapt.** It is not at all apparent that immediate and dramatic policies need to be developed to thwart long-range climate risks. What is needed are long-run balanced responses.



## Impact Uniqueness – Warming Irreversible

[ ]

[ ] If warming is real, it's irreversible.

**Harris**, science reporter for NPR, **2009**

(Richard, Peabody Award Winner, American Association for the Advancement of Science Journalism Award, "Global Warming Irreversible, Study Says," January 26, <http://www.npr.org/templates/story/story.php?storyId=99888903>)

**Climate change is** essentially **irreversible**, according to a sobering new scientific study. As carbon dioxide emissions continue to rise, **the world will experience** more and more **long-term environmental disruption**. The damage will persist **even** when, and **if, emissions are brought under control, says** study author Susan Solomon, who is among **the world's top climate scientists**. "We're used to thinking about pollution problems as things that we can fix," Solomon says. "Smog, we just cut back and everything will be better later. Or haze, you know, it'll go away pretty quickly." That's the case for some of the gases that contribute to climate change, such as methane and nitrous oxide. But as Solomon and colleagues suggest in a new study published in the Proceedings of the National Academy of Sciences, it is not true for the most abundant greenhouse gas: carbon dioxide. **Turning off the carbon dioxide emissions won't stop global warming**. "People have imagined that if we stopped emitting carbon dioxide that the climate would go back to normal in 100 years or 200 years. What we're showing here is that's not right. **It's** essentially **an irreversible change that will last for more than a thousand years**," Solomon says. This is **because the oceans are currently soaking up** a lot of the planet's excess heat — and a lot of the **carbon dioxide** put into the air. **The carbon dioxide** and heat **will** eventually **start coming out of the ocean**. And that will take place **for many hundreds of years**.

# **Terrorism Disadvantage**

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## **Summary**

This position is a flexible Negative position that can be used against a variety of cases, so much so that it can even be used against cases outside of the Varsity packet. As such, it is an excellent scaffold for Varsity debaters considering the move up to Championship division.

The core of the disadvantage argues that surveillance practices are very effective in our counter-terrorism operations, and key reason why there have been such few terrorist attacks on U.S. soil, as well as a number of successful operations against terrorist plans. The problem is that the Affirmative plan fundamentally reduces our surveillance capabilities, and endangers the rest of the U.S. in exchange for piece-of-mind related to privacy.

Ultimately, the Negative argues that terrorism is a huge threat that could result in billions of deaths. Fundamentally, this needs to be considered first and foremost, everything the plan purports to do pales in comparison to a devastating terrorist attack.

Notice that a story for why ending drug surveillance will increase terrorism is not included in this packet. There is a lot of evidence out there that suggests that doing so would increase the likelihood of narcoterrorism, or terrorism that is funded by the narcotics trade. This is specific enough that it would warrant individual investigation. The shell of such a position would be different enough from this position to warrant the creation of a new Disadvantage. Debaters are highly encouraged to conduct this research so that they have another tool to use against the Drug Surveillance case.

## Glossary

**Al Qaeda** – Al Qaeda is one of the largest terrorist networks in the world. It is a radical fundamentalist group often held responsible for the 9/11 attacks. They have networks operating all across the globe in various countries in Africa, Europe and Central Asia.

**AQAP** – Al Qaeda in the Arabian Peninsula – it is considered one of Al Qaeda's most active branches and operates primarily in Yemen and Saudi Arabia.

**AUMF** – The Authorization for Use of Military Force – this is a piece of legislation signed by Congress after the attacks of 9/11 that authorizes the use of United States Armed Forces against those responsible for the attacks on September 11, 2001. The authorization granted the President the power to use all "necessary and appropriate force" against those whom he determined "planned, authorized, committed or aided" the September 11th attacks, or who harbored said persons or groups.

**Bulk Surveillance** – this is the collection of massive amounts of telecommunication information that isn't all individually monitored, but bits and pieces are collected and pieced together by computer systems to monitor certain activity.

**Counterterrorism** – Operations or programs designed by the state to combat or prevent terrorism.

**Intelligence** – Information gathered to benefit the state, either through spying, surveillance, or other methods.

**Interrogation** – Interviewing as commonly employed by law enforcement officers, military personnel, and intelligence agencies with the goal of eliciting useful information. Interrogation may involve a diverse array of techniques, ranging from developing a rapport with the subject, to outright torture.

**ISIS** – The Islamic State of Iraq – this is an extremist terrorist organization that occupies territory in Syria and Iraq. While many folks that subscribe to Islam denounce the activities of ISIS, they are held responsible for war crimes, genocide, and massive ethnic cleansing in the region and are one of the most active terrorist groups attempting to retaliate against the United States.

**NSA** – The National Security Agency – this is a government agency that is responsible for monitoring, collecting, and processing information for foreign intelligence. The NSA was one of the agencies exposed by Edward Snowden in 2013 as an agency conducting surveillance on domestic (and foreign) populations for counter-terror efforts.

**SIGINT** – Signal intelligence – this is a type of intelligence that is largely collected by the NSA. SIGINT is the process of collecting telecommunication data for counter-intelligence purposes.

**1NC Shell (1/2)**

**A. Uniqueness – Current surveillance techniques are effective and disrupt/deter terrorist attacks.**

**Rothkopf 14**

(David J., a visiting scholar at the Carnegie Endowment as well as CEO and editor of Foreign Policy. "National Insecurity: American Leadership in an Age of Fear," PublicAffairs, p. 337-8, ES)

For all of the questions raised by some of the sweeping programs revealed by Snowden, **the surveillance programs of the US government include some targeted efforts that are widely regarded within the intelligence and policy communities as extremely helpful.** And **new capabilities are emerging daily.** Although these will require vigilance to avoid future violations of civil liberties, there is also a sense that on the cyber side, as with drones and the development of light-footprint approaches for combating terror, **important steps have been taken that actually enhance the security of the American people and reduce the likelihood of future attacks** like those that ushered in this era. **Those tools have made such a marked difference in US counterterrorism efforts that intelligence community leaders are becoming comfortable with the idea of relaxing other controversial practices.** Mike **Hayden noted that one reason he was willing to "empty the prisons" and "scale back on the authorized interrogation techniques" is that he was not "nearly as desperate as** [Director of Central Intelligence] George **[Tenet] was back in 2002,** 2003. I've got agent networks. I've got penetrations. I've built up a strong human intelligence collection efforts. [sic] I'm less dependent on capturing and questioning than I was in 2002. More sources. Better electronic intelligence. You're hitting on all cylinders now. And with the requisite intelligence, it enables your orthoscopic stuff" (meaning "surgical" or "light-footprint activities"). Lisa **Monaco asserts, "I think the US government has done a good job of creating a counterterrorism structure and apparatus-operationally and policy-wise – to learn the lessons of 9/11 and have an ability to meet the threats that we face, share information, apply the right kind of military, intelligence, diplomatic, and law enforcement tools today.**

**B. <Insert a specific link here.>**

## 1NC Shell (2/2)

## C. Impact – Unchecked, these terrorist attacks will escalate – killing billions

## Myhrvold, 2014

(Nathan P, chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft); Strategic Terrorism: A Call to Action; [cco.dodlive.mil/files/2014/04/Strategic\\_Terrorism\\_corrected\\_II.pdf](http://cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf))

Technology contains no inherent moral directive—it empowers people, whatever their intent, good or evil. This has always been true: when bronze implements supplanted those made of stone, the ancient world got scythes and awls, but also swords and battle-axes. The novelty of **our present situation is that modern technology can provide small groups of people with much greater lethality than ever before. We now have to worry that private parties might gain access to weapons that are as destructive as—or possibly even more destructive than—those held by any nation-state. A handful of people, perhaps even a single individual, could have the ability to kill millions or even billions. Indeed, it is possible, from a technological standpoint, to kill every man, woman, and child on earth. The gravity of the situation is so extreme that getting the concept across without seeming silly or alarmist is challenging.** Just thinking about the subject with any degree of seriousness numbs the mind. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore. **Failing nation-states—like North Korea—which possess nuclear weapons potentially pose a nuclear threat.** Each new entrant to the nuclear club increases the possibility this will happen, but this problem is an old one, and one that existing diplomatic and military structures aim to manage. **The newer and less understood danger arises from the increasing likelihood that stateless groups, bent on terrorism, will gain access to nuclear weapons,** most likely by theft from a nation-state. Should this happen, **the danger we now perceive to be coming from rogue states will pale in comparison. The ultimate response to a nuclear attack is a nuclear counterattack.** Nation states have an address, and they know that we will retaliate in kind. Stateless groups are much more difficult to find which makes a nuclear counterattack virtually impossible. As a result, they can strike without fear of overwhelming retaliation, and thus they wield much more effective destructive power. Indeed, in many cases the fundamental equation of retaliation has become reversed. **Terrorists often hope to provoke reprisal attacks on their own people,** swaying popular opinion in their favor. **The aftermath of 9/11 is a case in point. While it seems likely that Osama bin Laden and his henchmen hoped for a massive overreaction from the United States, it is unlikely his Taliban hosts anticipated the U.S. would go so far as to invade Afghanistan.** Yes, al-Qaeda lost its host state and some personnel. The damage slowed the organization down but did not destroy it. Instead, the stateless al-Qaeda survived and adapted. The United States can claim some success against al-Qaeda in the years since 9/11, but it has hardly delivered a deathblow. Eventually, **the world will recognize that stateless groups are more powerful than nation-states because terrorists can wield weapons and mount assaults that no nationstate would dare to attempt.** So far, they have limited themselves to dramatic tactical terrorism: events such as 9/11, the butchering of Russian schoolchildren, decapitations broadcast over the internet, and bombings in major cities. Strategic objectives cannot be far behind.

## 1NC Link – NSA

## B. Link – PRISM roadblocks terrorists—guts them of the tools necessary to pull off an attack

## Arquilla, 2013

(John [Professor and Chair Department of Defense Analysis @ Naval postgrad school]; In Defense of PRISM; Jun 7; [foreignpolicy.com/2013/06/07/in-defense-of-prism/](http://foreignpolicy.com/2013/06/07/in-defense-of-prism/))

Prior to TIA, and well before 9/11, there were other ancestors of our current big data efforts. At the National Security Agency, and in other parts of the extensive American intelligence community, search systems known by such evocative names as "Echelon" and "Semantic Forests," among others, were in use, striving relentlessly to detect patterns of communication that might open up golden seams of information from the most secret caches of the world's various malefactors. Often enough, these and other tracking tools did distinguish the pattern from the noise, and national security was well served. And **in the early days of the war against al Qaeda, the enemy was still using means of communication that American intelligence had the ability to monitor — including satellite phones and such — leading to several counterterror coups and high-level captures.** But the network learned quickly and adjusted, becoming far more elusive, more dispersed, its cells increasingly attuned to operating independently, its nodes and links ever less visible. **It was against this shift that something like PRISM had to be mobilized to improve our ability to find the foe whose best, and only real defense against us is his capacity for concealment.** Thus, **the tantalizing prospect of PRISM, and of the whole "finding effort," is to deny the terrorists the virtual haven that they enjoy throughout the world's telecommunications spaces — indeed, throughout the whole of the "infosphere," which includes cyberspace. The piercing of this veil would mark a true turning point in the war on terror, for al Qaeda and other networks simply cannot function with any kind of cohesion, or at any sort of reasonable operational tempo if their communications become insecure.** Cells and nodes would be ripped up, operatives killed or captured, and each loss would no doubt yield information that imperiled the network further. Even if al Qaeda resorted to the drastic measure of moving messages, training, and financial information by courier, operations would be so slowed as to cripple the organization. And even couriers can be flagged on "no fly" lists or caught boarding tramp steamers and such. So for all the furor caused by the PRISM revelations, my simple recommendation is to take a deep breath before crying out in protest. Think first about how the hider/finder dynamic in the war on terror has driven those responsible for our security to bring to bear the big guns of big data on the problem at hand. Think also about whether a willingness to allow some incursions into our privacy might lead to an improved ability to provide for our security, and where that equilibrium point between privacy and security might be. And last, **think about the world as it might be without such a sustained effort to find the hidden — to detect, track, and disrupt the terrorists.** That would be a world in which they stay on their feet and fighting, and in which they remain secure enough, for long enough, to acquire true weapons of mass destruction. Those of us in the national security business, who know that networks so armed will be far harder to deter than nations ever were, **believe that big data approaches like PRISM and its forebears, have been and remain essential elements in the unrelenting and increasingly urgent effort to find the hidden.**



## 1NC Link – Drone Surveillance

### B. Link – The plan grounds drones—blocking preventive measures against terrorism.

#### McNeal, 2014

(Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; [www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance](http://www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance);) )

To counter the threat of surveillance, **privacy advocates have focused solely on requiring warrants before the use of drones by law enforcement. Such a mandate oftentimes will result in the grounding of drone technology** in circumstances where law enforcement use of drones would be beneficial and largely non-controversial. For example, **in light of the Boston Marathon bombing, police may want to fly a drone above a marathon to ensure the safety of the public. Under many bills, police would not be allowed to use a drone unless they had a warrant,** premised upon probable cause to believe a crime had been or was about to be committed. This requirement exceeds current Fourth Amendment protections with regard to the reasonableness of observing activities in public places. What this means is that the police would need to put together a warrant application with sufficient facts to prove to a judge that they had probable cause. **That application would need to define with particularity the place to be searched or the persons to be surveilled.** All of this would be required to observe people gathered in a public place, merely because the observation was taking place from a drone, rather than from an officer on a rooftop or in a helicopter. **In a circumstance like a marathon, this probable cause showing will be difficult for the police to satisfy.** After all, if the police knew who in the crowd was a potential bomber, they would arrest those individuals. Rather, **a marathon is the type of event where the police would want to use a drone to monitor for unknown attackers, and in the unfortunate event of an attack, use the footage to identify the perpetrators. This is precisely the type of circumstance where the use of drone could be helpful, but unfortunately it has been outlawed in many states. To make matters worse, this type of drone surveillance would pose little to no harms to privacy.** A marathon is a highly public event, the event is televised, it takes place on streets where there are surveillance cameras and spectators are photographing the event. Moreover, in the states where drones have been banned (unless accompanied by a warrant), the police have not been prohibited from using any other type of surveillance equipment --- just drones. This technology centric approach has done little to protect privacy, but will certainly harm public safety, depriving law enforcement of a tool that they could use to protect people

## 1NC Link – Immigration Surveillance

### B. Link – Terrorists will exploit a lax immigration system in order to get into the U.S.

**Kephart**, Researcher at Center for Immigration Studies, **2005**  
(Janice, "Moving Beyond the 9/11 Staff Report on Terrorist Travel",  
<http://cis.org/articles/2005/kephart.html>)

**The report highlights the danger of our lax immigration system**, not just in terms of who is allowed **in**, but also **how terrorists**, once in the country, **used weaknesses in the system to remain here**. The report makes clear that **strict enforcement of immigration** law -- at American consulates overseas, at ports of entry, and within the United States -- **must be an integral part of our efforts to prevent future attacks on U.S. soil**. Among the findings: **Of the 94 foreign-born terrorists who operated in the United States**, the study found that **about two-thirds (59) committed immigration fraud prior to or in conjunction with taking part in terrorist activity**. **Of the 59 terrorists who violated the law, many committed multiple immigration violations -- 79 instances in all. In 47 instances, immigration benefits sought or acquired prior to 9/11 enabled the terrorists to stay in the United States after 9/11 and continue their terrorist activities. In at least two instances, terrorists were still able to acquire immigration benefits after 9/11.** Temporary visas were a common means of entering; 18 terrorists had student visas and another four had applications approved to study in the United States. At least 17 terrorists used a visitor visa -- either tourist (B2) or business (B1). There were 11 instances of passport fraud and 10 instances of visa fraud; in total 34 individuals were charged with making false statements to an immigration official. In at least 13 instances, terrorists overstayed their temporary visas. In 17 instances, terrorists claimed to lack proper travel documents and applied for asylum, often at a port of entry. Fraud was used not only to gain entry into the United States, but also to remain, or "embed," in the country. **Seven terrorists were indicted for acquiring or using various forms of fake identification, including driver's licenses, birth certificates, Social Security cards, and immigration arrival records.** Once in the United States, 16 of 23 terrorists became legal permanent residents, often by marrying an American. There were at least nine sham marriages. **In total, 20 of 21 foreign terrorists became naturalized U.S. citizens.**

## Link – NSA

[ ]

[ ] Experts agree that the NSA's surveillance programs are essential to thwart terror plots.

**Eakin 2013**

(Britian, Al Arabiya- Washington, "NSA: Secret US Surveillance helped prevent 50-plus terror attacks")

**Secret surveillance programs helped prevent more than 50 potential terror attacks worldwide**, including plots to target the New York Stock Exchange and the city's subway, the director of the National Security Agency testified on Tuesday. **Ten of the 50 potential threats were domestic**, said Army General Keith B. Alexander. A hearing before the House Intelligence Committee sought to calm fears among the American public that the U.S. government spies on them unconstitutionally, and repeated assurances that none of the NSA surveillance programs can target U.S. citizens at home or abroad without a court order. **These programs are limited, focused and subject to rigorous oversight**," Alexander said. Because of that, the civil liberties and privacy of Americans are not at stake, he added. However, Bruce Fein, a specialist in constitutional law, said the NSA surveillance programs are unconstitutional because there is no demonstration of individualized suspicion, as required by the Fourth Amendment. "The government has a burden to show some reasonable suspicion that someone being spied on is engaged in some wrongdoing before privacy can be invaded," said Fein. Nonetheless, **the witnesses defended the NSA programs as legal and necessary because of the nature of the threat of terrorism**. **If you're looking for a needle in a haystack, you have to get the haystack first**," testified Deputy Attorney General James Cole. Alexander and other senior U.S. intelligence officials testified in response to details leaked by former NSA contractor Edward Snowden about how the agency gathers data. **The hearing reviewed NSA surveillance programs 215 and 702**. Testimony said program 215 gathers data in bulk from various providers, such as Verizon, but does not look at content or names, while program 702 applies only to foreign citizens. The leak has sparked a debate among the American public over what information the government should be able to collect to safeguard national security, and how it should be allowed to gather it. A recent Pew poll shows that a slight majority of Americans think the NSA surveillance programs are acceptable. Meanwhile, U.S. President Barack Obama's approval ratings have dropped over the past month. Alexander linked the relative safety Americans have enjoyed since the 9/11 attacks directly to the NSA surveillance programs, but Fein said people's fears are being exploited. "Most people are risk-averse. They're easily frightened, and told they need to surrender their liberties in order to be safe, even if it's not true," Fein said. The government has not provided any evidence that these programs are effective, he added. "It's just their say-so." When questioned about whether the NSA surveillance programs previously collected any other information, Alexander said what they have and have not collected remains classified and cannot be discussed. However, **some details about how the programs have stopped potential terror attacks would be presented as early as Wednesday** to U.S. lawmakers, he said.

## Link – Drones

[ ]

[ ] Drones are critical to combat bio- and chemical-terror.

**Koerner, 2015**

(Matthew R [Duke University School of Law, J.D. expected 2015]; DRONES AND THE FOURTH AMENDMENT: REDEFINING EXPECTATIONS OF PRIVACY; 64 Duke L.J. 1129)

Senator Dianne Feinstein, a staunch advocate of governmental surveillance n1 and Chairman of the 113th Congress's Senate Intelligence Committee, n2 recently found herself, rather ironically, as the target of surveillance. n3 One day at her home, Senator Feinstein walked to the window to check on a protest that was taking place outside. n4 Much to her surprise, a small drone n5 hovered on the other side of the window, only inches away, spying on her. n6 The drone immediately flew away. n7 Senator Feinstein's experience is just one example of drones being used for surveillance within the United States. But her story and others like it n8 have sparked significant controversy over the use of drones for domestic surveillance, which falls within a broader debate [\*1131] on privacy and governmental surveillance programs. n9 **Advocates of robust federal surveillance policies champion governmental surveillance as the only way to prevent terrorist and cyber attacks against the United States.** n10 **President Barack Obama defended these surveillance programs as "'modest encroachments on privacy'"** that "strike the 'right balance' between national security and civil liberties." n11 In comparison, privacy advocates envision these surveillance programs leading to a dystopian, totalitarian government watching over its citizenry - undetected but omnipresent. n12 References to George Orwell's Nineteen Eighty-Four n13 abound. n14 [\*1132] Apart from the surrounding privacy-concerns debate, drones currently provide many practical benefits and their projected applications seem limitless. n15 Based on their obvious advantage of being unmanned, **drones have the capability to conduct missions previously considered too risky, dangerous, or impracticable. These applications are also provided at continuously decreasing costs and with the latest technological sophistication, such as the capability to see through physical obstructions, to detect various chemical and biological agents in the air, to recognize human faces and license plates, and to fly in strategic, coordinated formations.** n16

## Link – Immigration Surveillance

[ ]

[ ] Effective immigration surveillance could have prevented 9/11.

**Kobach**, Professor of Law, University of Missouri (Kansas City), **2005**  
(THE QUINTESSENTIAL FORCE MULTIPLIER: THE INHERENT AUTHORITY OF LOCAL POLICE TO MAKE IMMIGRATION ARRESTS. Albany Law Review, 69(1), 179-235.)

**Of critical importance is the fact that all four of the hijackers who were stopped by local police prior to 9/11 had violated federal immigration laws and could have been detained by the state or local police officers. Indeed, there were only five hijackers who were clearly in violation of immigration laws while in the United States— and four of the five were encountered by state or local police officers.** These were four missed opportunities of tragic dimension. **Had information about their immigration violations been disseminated to state and local police through the NCIC system, the four terrorist aliens could have been detained for their violations. Adding even greater poignancy to these missed opportunities is the fact that they involved three of the four terrorist pilots of 9/11. Had the police officers involved been able to detain Atta, Hanjour, and Jarrah, these three pilots would have been out of the picture. It is difficult to imagine the hijackings proceeding without three of the four pilots.\***

**AT: No Internal Link – Surveillance Doesn't Solve Terrorism**

[ ]

**[ ] Surveillance isn't foolproof, but has solved attacks—we have empirical evidence.****Williams and Winter, 2015**

(Pete and Tom; Man Under Surveillance by Joint Terrorism Task Force Shot Dead in Boston; [www.nbcnews.com/news/us-news/man-under-surveillance-joint-terrorism-task-force-shot-dead-boston-n368376](http://www.nbcnews.com/news/us-news/man-under-surveillance-joint-terrorism-task-force-shot-dead-boston-n368376))

A man wielding a large, military-style knife came at police and FBI agents as they attempted to interview him in Boston early Tuesday, and was fatally shot only after he refused to drop the weapon, officials said. Usaamah Abdullah **Rahim had been under 24-hour surveillance by the Boston Joint Terrorism Task Force, and** a senior official told NBC News **they were investigating whether the 26-year-old Boston man had become radicalized by ISIS-inspired social media messages and feared a terror plot was in the works.** A second man from the Boston suburb of Everett was later taken into custody as officials conducted a related terrorism investigation, Boston police said Tuesday night. His name was not released. Rahim was stopped around 7 a.m. ET at a CVS parking lot in Boston's Roslindale neighborhood, FBI Special Agent in Charge Vincent Lisi said at an afternoon news conference. The officers wanted to interview him at the scene, but had no warrant for his arrest. The officers did not have their guns drawn, and Rahim pulled a knife out first, Boston Police Commissioner William Evans told reporters. "We have video depicting the individual coming at officers while the officers were retreating," Evans said. Officers and agents ordered Rahim to drop his weapon, and then took out their firearms and shot at him when he refused, Evans added. He was struck twice — in the abdomen and torso — and was later pronounced dead at the hospital, police said. Officials are reviewing whether the shooting was justified, but early surveillance video and witness statements indicate the officers' "lives were in danger," Evans said. After the shooting, authorities began searching a home in Everett and another address in Warwick, Rhode Island, in connection to the incident, senior law enforcement sources in New England told NBC News. A source earlier said the occupants in the Everett home might also be of interest in the investigation. **Law enforcement sources say Rahim had been under investigation and surveillance for several weeks by the Boston Joint Terrorism Task Force.** In recent months, **ISIS messages worldwide have called for attacks using whatever weapons are at hand, including guns and knives.**

**AT: Internal Link Turn – Right Wing Terror**

[ ] Surveillance efforts that work against foreign groups are also critical to thwart domestic right-wing terror attacks.

**Perez and Bruner, 2015**

(Evan and Wes; DHS intelligence report warns of domestic right-wing terror threat; Feb 20; [www.cnn.com/2015/02/19/politics/terror-threat-homeland-security/](http://www.cnn.com/2015/02/19/politics/terror-threat-homeland-security/))

**They're carrying out sporadic terror attacks on police, have threatened attacks on government buildings and reject government authority. A new intelligence assessment, circulated by the Department of Homeland Security** this month and reviewed by CNN, **focuses on the domestic terror threat from right-wing sovereign citizen extremists** and comes as the Obama administration holds a White House conference to focus efforts to fight violent extremism. **Some federal and local law enforcement groups view the domestic terror threat from sovereign citizen groups as equal to -- and in some cases greater than -- the threat from foreign Islamic terror groups,** such as ISIS, that garner more public attention. The Homeland Security report, produced in coordination with the FBI, counts 24 violent sovereign citizen-related attacks across the U.S. since 2010. **The government says these are extremists who believe that they can ignore laws and that their individual rights are under attack in routine daily instances such as a traffic stop or being required to obey a court order.** They've lashed out against authority in incidents such as one in 2012, in which a father and son were accused of engaging in a shootout with police in Louisiana, in a confrontation that began with an officer pulling them over for a traffic violation. Two officers were killed and several others wounded in the confrontation. The men were sovereign citizen extremists who claimed police had no authority over them. Among the findings from the Homeland Security intelligence assessment: "(Sovereign citizen) violence during 2015 will occur most frequently during routine law enforcement encounters at a suspect's home, during enforcement stops and at government offices." The report adds that "law enforcement officers will remain the primary target of (sovereign citizen) violence over the next year due to their role in physically enforcing laws and regulations." The White House has fended off criticism in recent days for its reluctance to say the words "Islamist extremism," even as the conference this week almost entirely focused on helping imams and community groups to counteract the lure of groups like ISIS. Absent from the White House conference is any focus on the domestic terror threat posed by sovereign citizens, militias and other anti-government terrorists that have carried out multiple attacks in recent years. **An administration official says the White House is focused on the threat from all terrorists, including from sovereign citizen and other domestic groups.** "I don't think it's fair to say the (White House) conference didn't address this at all," the official said, adding that President Barack Obama addressed the need to combat "violent ideologies" of all types. **An official at the Justice Department, which is leading the administration's counter-radicalization effort, says many of the tactics aimed at thwarting radical Islamic recruitment of young people can also be used to fight anti-government extremist groups.**

**AT: No Impact – Terrorist Attack Not A Major Threat**

[ ]

**[ ] Even a small attack pulled off by one person could kill billions.****Myhrvold, 2014**

(Nathan P., chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft); Strategic Terrorism: A Call to Action, [cco.dodlive.mil/files/2014/04/Strategic\\_Terrorism\\_corrected\\_II.pdf](http://cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf))

Technology contains no inherent moral directive—it empowers people, whatever their intent, good or evil. This has always been true: when bronze implements supplanted those made of stone, the ancient world got scythes and awls, but also swords and battle-axes. The novelty of **our present situation is that modern technology can provide small groups of people with much greater lethality than ever before.** We now have to worry that private parties might gain access to weapons that are as destructive as—or possibly even more destructive than— those held by any nation-state. **A handful of people, perhaps even a single individual, could have the ability to kill millions or even billions.** Indeed, it is possible, from a technological standpoint, to kill every man, woman, and child on earth. **The gravity of the situation is so extreme that getting the concept across without seeming silly or alarmist is challenging.** Just thinking about the subject with any degree of seriousness numbs the mind. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore.



**AT: No Impact – Probability of Attack Low**

[ ]

[ ] **Terrorist threats are high now – an attack on the US is likely and intelligence is critical.****Collins, 2015**

(Eliza, writer for Politico, 5/10/15, "Mike McCaul Warns of Growing Us Terrorist Threat")

**More people are being recruited by terrorist groups than the FBI estimates**, the chairman of the House Homeland Security Committee said on Sunday. FBI Director James Comey said last week that hundreds, maybe thousands of people, are being recruited on encrypted websites that the FBI can't penetrate to carry out attacks in the U.S. **"We have this phenomenon in the United States where they can be activated by the Internet. Really, terrorism has gone viral,"** Rep. Mike McCaul (R-Texas) said on "Fox News Sunday." The Texas shooting was a textbook case of law enforcement intercepting a threat, McCaul said, but homegrown terrorism is nonetheless difficult to stop. Late last week, **the U.S. raised the threat level at all U.S. military bases. "This threat is like finding a needle in the haystack sometimes - and it's going to get worse, not better,"** McCaul warned.

[ ] **The threat is increasing—recruitment levels are high and a homegrown attack is very likely.****VOA News, 2015**

(Homeland Security Chief: Global Terror Threat Has Entered 'New Phase"', 5/11/15)

Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases. "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. **And, really, terrorism has gone viral,**" said McCaul. McCaul said the potential terror threat may even be greater than the FBI has outlined. **He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message.** He warned **the threat will only get worse, largely because of the existence of so many failed states in the Middle East and North Africa.**

# **Terrorism Disadvantage Affirmative**

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## **Summary**

The key to answering the Terrorism Disadvantage is keeping a narrow, but consistent strategy. There are many types of answers in this packet:

1. The Affirmative can contend that the U.S. is already losing the War on Terror, so nothing the plan could do could further negatively impact that.
2. The Affirmative could argue that the plan itself doesn't affect our ability to engage in counter-terrorism operations, or even that the plan could bolster our counter-terrorism capabilities.
3. The Affirmative could argue that surveillance in general has no effect on our counter-terrorism operations.
4. The Affirmative could argue that terrorism threats are not that threatening. This involves both reducing the expected damage of a terrorist attack, as well as the chance that one could happen.

It is critical for the Affirmative to recognize which of these are contradictory, and to develop a coherent position before a debate tournament.

## Glossary

**Al Qaeda** – Al Qaeda is one of the largest terrorist networks in the world. It is a radical fundamentalist group often held responsible for the 9/11 attacks. They have networks operating all across the globe in various countries in Africa, Europe and Central Asia.

**AQAP** – Al Qaeda in the Arabian Peninsula – it is considered one of Al Qaeda's most active branches and operates primarily in Yemen and Saudi Arabia.

**AUMF** – The Authorization for Use of Military Force – this is a piece of legislation signed by Congress after the attacks of 9/11 that authorizes the use of United States Armed Forces against those responsible for the attacks on September 11, 2001. The authorization granted the President the power to use all "necessary and appropriate force" against those whom he determined "planned, authorized, committed or aided" the September 11th attacks, or who harbored said persons or groups.

**Bulk Surveillance** – this is the collection of massive amounts of telecommunication information that isn't all individually monitored, but bits and pieces are collected and pieced together by computer systems to monitor certain activity.

**Counterterrorism** – Operations or programs designed by the state to combat or prevent terrorism.

**Intelligence** – Information gathered to benefit the state, either through spying, surveillance, or other methods.

**Interrogation** – Interviewing as commonly employed by law enforcement officers, military personnel, and intelligence agencies with the goal of eliciting useful information. Interrogation may involve a diverse array of techniques, ranging from developing a rapport with the subject, to outright torture.

**ISIS** – The Islamic State of Iraq – this is an extremist terrorist organization that occupies territory in Syria and Iraq. While many folks that subscribe to Islam denounce the activities of ISIS, they are held responsible for war crimes, genocide, and massive ethnic cleansing in the region and are one of the most active terrorist groups attempting to retaliate against the United States.

**NSA** – The National Security Agency – this is a government agency that is responsible for monitoring, collecting, and processing information for foreign intelligence. The NSA was one of the agencies exposed by Edward Snowden in 2013 as an agency conducting surveillance on domestic (and foreign) populations for counter-terror efforts.

**SIGINT** – Signal intelligence – this is a type of intelligence that is largely collected by the NSA. SIGINT is the process of collecting telecommunication data for counter-intelligence purposes.

**Non-Unique – Losing the War on Terror Now**

[ ] **The US is losing the war on terrorism already—surveillance ineffective.**

**Goldberg, 2013**

(By J.J. Goldberg, editor in chief of Forward, Published May 31, 2013, issue of June 07, 2013, Real Winner of War on Terror: Osama Bin Laden Decade Later, Terrorists Are Flexing Muscle More Than Ever Read more: <http://forward.com/articles/177683/real-winner-of-war-on-terror-osama-bin-laden/?p=all#ixzz2a0jD4R3M>)

The question is, how far along are we in this war? How much safer are we now than we were before we started? The answer: We are much, much worse off than we were when we started. Whatever it may have done to the Constitution, the war on terror has been great for terror. In plain terms, the number of terrorist incidents per year around the world has more than quadrupled in the decade since we declared war on terror. Fatalities have doubled. To be specific, there were 982 terrorist incidents worldwide in 2002, resulting in 3,823 deaths. In 2011, the latest year for which numbers are available, there were 4,564 incidents resulting in 7,493 deaths. Simply put, the war on terror has made terror worse. The good news is that deaths have been declining since 2007, when they peaked at 10,000. The numbers come courtesy of an Australian-based think tank, the Institute for Economics and Peace, which published its first-ever Global Terrorism Index in December 2012. It works with a terrorism database maintained by the University of Maryland.

[ ] **Nuclear terrorism is already a threat now.**

**Reuters, 2013**

(Governments warn about nuclear terrorism threat, 7/1, <http://uk.reuters.com/article/2013/07/01/uk-nuclear-security-idUKBRE96010G20130701>)

(Reuters) - More action is needed to prevent militants acquiring plutonium or highly-enriched uranium that could be used in bombs, governments agreed at a meeting on nuclear security in Vienna on Monday, without deciding on any concrete steps. A declaration adopted by more than 120 states at the meeting said "substantial progress" had been made in recent years to improve nuclear security globally, but it was not enough. Analysts say radical groups could theoretically build a crude but deadly nuclear bomb if they had the money, technical knowledge and materials needed. Ministers remained "concerned about the threat of nuclear and radiological terrorism ... More needs to be done to further strengthen nuclear security worldwide", the statement said. The document "encouraged" states to take various measures such as minimising the use of highly-enriched uranium, but some diplomats said they would have preferred firmer commitments. Many countries regard nuclear security as a sensitive political issue that should be handled primarily by national authorities. This was reflected in the statement's language. Still, Yukiya Amano, director general of the International Atomic Energy Agency (IAEA), which hosted the conference, said the agreement was "very robust" and represented a major step forward. Amano earlier warned the IAEA-hosted conference against a "false sense of security" over the danger of nuclear terrorism. Holding up a small lead container that was used to try to traffic highly enriched uranium in Moldova two years ago, the U.N. nuclear chief said it showed a "worrying level of knowledge on the part of the smugglers". "This case ended well," he said, referring to the fact that the material was seized and arrests were made. But he added: "We cannot be sure if such cases are just the tip of the iceberg."

## No Link – Drones

[ ]

[ ] Drones don't play a key role in the War on Terror – small disruptions don't matter in the long run.

**Wall Street Journal, 2015**

(WSJ, 6-16-2015, "Wins in the War on Terror," <http://www.wsj.com/articles/wins-in-the-war-on-terror-1434496023>)

**The U.S. scored a noteworthy victory last week when an American missile killed Nasser al-Wuhayshi, the longtime leader of al Qaeda in the Arabian Peninsula and the global organization's Number Two. Coupled with unconfirmed reports that an F-15 airstrike in Libya killed jihadist mastermind Mokhtar Belmokhtar,** the strikes are a reminder that the war on terror continues, whatever the Administration calls it. **Yet the strikes are also a reminder that while killing senior jihadists has tactical and symbolic value disrupting terrorist networks while underscoring U.S. resolve they do not turn the tide of war. "Core" al Qaeda was not defeated after Osama bin Laden was killed in 2011, even if it was humbled.** Neither was al Qaeda in Iraq beaten after the killing of Abu Musab al-Zarqawi in 2006. Killing the kingpins is necessary but not sufficient for victory. That much was made clear by the way Wuhayshi met his end near a beach in the Yemeni city of Al Mukalla, population 300,000. Al Qaeda took control of Al Mukalla in April, seizing close to \$80 million from the central bank. The group now controls the better part of southern Yemen. The same goes with Belmokhtar, who orchestrated the 2013 attack on an Algerian gas plant that killed 38 people and had pledged allegiance to al Qaeda's Ayman al-Zawahiri. If reports of Belmokhtar's death are confirmed this wouldn't be the first time he's been presumed dead it's a tactical coup for the U.S. and a moral victory for the terrorist's victims. But it does little to change the fact that jihadist groups, led by Islamic State, control significant territory in Libya, including Moammar Ghadafi's hometown of Sirte.

## Link Turn – Federal Regulation of Drones Key to Cyber-terrorism

[ ] Federal regulation of drones is necessary to build safeguards against cyber-terrorism.

### Bernd, 2013

(Candice, assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#))

Domestic Drone Weaknesses **Cyber warfare may prove to be the most enduring challenge for the FAA when it comes to ensuring guidelines that will protect Americans adequately as drone technology makes its transition into civilian life.** Peter Singer is the director of the Center for 21st Century Security and Intelligence and a senior fellow in the Foreign Policy program at Brookings Institute. He is the author of *Wired for War: The Robotics Revolution and Conflict in the 21st Century*. According to him, **the primary weakness of drone technology is many systems' dependence on GPS signals and remote operation. Even military-grade drone technology can be co-opted,** he said. In December 2011, the Iranian Army's electronic warfare unit brought down an American drone, the RQ-170 Sentinel, after it crossed into Iranian airspace. In Iraq in 2009, Iraqi insurgents were able to use \$26 software to intercept the video feeds of US Predator drones in a manner "akin to a criminal listening in on the police radio scanner," Singer told Truthout. Most recently, **a research team at the University of Texas was able to demonstrate successfully the spoofing of a UAV by creating false civil GPS signals that trick the drone's GPS receiver.** "There aren't easy answers to these other than good encryption requirements," Singer told Truthout in an email. The Texas research team hoped to demonstrate the dangers of spoofing early on in the FAA's task to write the mandated rules for UAS integration in the national airspace, and the Department of Homeland Security invited the team to demonstrate the spoofing in New Mexico. **Vulnerability to jamming and spoofing depends highly on the design of the aircraft and control systems and vary across differing architectures. Minimum system performance and design standards developed for civil UAS designs will address these vulnerabilities,** an FAA spokesman told Truthout. Whether minimum standards for system performance will be enough to address the changing dynamic of cyber warfare, and for that matter, technology, remains a question, but it's something **the FAA and Homeland Security are examining as drone technology becomes more widespread in the US.**



**No Link – NSA Ineffective**

**[ ] NSA doesn't aid in detection efforts—there's only one documented case of this ever helping catch a terrorist. Even that capture was of negligible impact.**

**Benkler, 2013**

(Yochai Benkler is a law professor and director of the Berkman Center for Internet & Society at Harvard University. "Fact: the NSA gets negligible intel from Americans' metadata. So end collection" <http://www.theguardian.com/commentisfree/2013/oct/08/nsa-bulk-metadata-surveillance-intelligence>)

Congress may be on the verge of prohibiting the NSA from continuing its bulk telephony metadata collection program. Two weeks ago, the Senate national security dissenters: Wyden, Udall, Paul, and Blumenthal proposed prohibition. Last week, the move received a major boost from a bipartisan proposal by core establishment figures: Senator Patrick Leahy, and Representatives Jim Sensenbrenner and John Conyers. It's a prohibition whose time has come. **Dragnet surveillance, or bulk collection, goes to the heart of what is wrong with the turn the NSA has taken since 2001. It implements a perpetual "state of emergency" mentality** that inverts the basic model outlined by the fourth amendment: that there are vast domains of private action about which the state should remain ignorant unless it provides clear prior justification. And all public evidence suggests that, from its inception in 2001 to this day, **bulk collection has never made more than a marginal contribution to securing Americans from terrorism, despite its costs.** In a 2 October hearing of the Senate judiciary committee, Senator Leahy challenged the NSA chief, General Keith Alexander: Would you agree that **the 54 cases that keep getting cited by the administration were not all plots,** and that of the 54 only 13 had some nexus to the US? Would you agree with that, yes or no? Alexander responded: Yes. Leahy then demanded that Alexander confirm what his deputy, Christopher Inglis, had said in the prior week's testimony: that **there is only one example where collection of bulk data is what stopped a terrorist activity.** Alexander responded that Inglis might have said two, not one. Advertisement In fact, what Inglis had said the week before was that there was one case "that comes close to abut-for example and that's **the case of Basaaly Moalin**". So, who is Moalin, on whose fate the NSA places the entire burden of justifying its metadata collection program? Did his capture foil a second 9/11? A cabby from San Diego, Moalin had emigrated as a teenager from Somalia. In February, he was convicted of providing material assistance to a terrorist organization: he had transferred \$8,500 to al-Shabaab in Somalia. After the Westgate Mall attack in Nairobi, few would argue that al-Shabaab is not a terrorist organization. But al-Shabaab is involved in a local war, and is not invested in attacking the US homeland. The indictment against Moalin explicitly stated that al-Shabaab's enemies were the present Somali government and "its Ethiopian and African Union supporters". Perhaps, it makes sense for prosecutors to pursue Somali Americans for doing essentially what some Irish Americans did to help the IRA; perhaps not. But **this single successful prosecution, under a vague criminal statute, which stopped a few thousand dollars from reaching one side in a local conflict in the Horn of Africa, is the sole success story for the NSA bulk domestic surveillance program.**

**Link Turn – NSA PRISM Makes Fight More Difficult**

[ ] NSA actually makes detecting terrorist activity harder—too much to sift through.

**Greenwald, 2014**

(Glenn, No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State, Holt, Henry & Company, Inc., May, Web)

And **despite exploitative claims from the NSA, bulk surveillance would not have given the intelligence services better tools to prevent the attack on 9/11.** Keith Alexander, speaking to a House intelligence committee, said, “I would much rather be here today debating” the program “than trying to explain how we failed to prevent another 9/11.” (The same argument, verbatim, appeared in talking points the NSA gave its employees to use to fend off questions.) **The implication is rank fearmongering and deceitful in the extreme.** As CNN security analyst Peter Bergen has shown, **the CIA had multiple reports about an al-Qaeda plot** and “quite a bit of information about two of the hijackers and their presence in the United States,” **which “the agency didn’t share with other government agencies until it was too late** to do anything about it.” Lawrence Wright, the New Yorker’s al-Qaeda expert, also debunked the NSA’s proposition that metadata collection could have stopped 9/11, explaining that the CIA “withheld crucial intelligence from the FBI, which has the ultimate authority to investigate terrorism in the U.S. and attacks on Americans abroad.” The FBI could have stopped 9/11, he argued. It had a warrant to establish surveillance of everyone connected to Al Qaeda in America. It could follow them, tap their phones, clone their computers, read their e-mails, and subpoena their medical, bank, and credit-card records. It had the right to demand records from telephone companies of any calls they had made. **There was no need for a metadata-collection program.** What was needed was cooperation with other federal agencies, but for reasons both petty and obscure those agencies chose to hide vital clues from the investigators most likely to avert the attacks. **The government was in possession of the necessary intelligence but had failed to understand or act on it. The solution that it then embarked on—to collect everything, en masse—has done nothing to fix that failure.** Over and over, from multiple corners, the invocation of the terrorism threat to justify surveillance was exposed as a sham. In fact, mass surveillance has had quite the opposite effect: it makes detecting and stopping terror more difficult. Democratic Congressman Rush Holt, a physicist and one of the few scientists in Congress, has made the point that **collecting everything about everyone’s communications only obscures actual plots being discussed by actual terrorists. Directed rather than indiscriminate surveillance would yield more specific and useful information. The current approach swamps the intelligence agencies with so much data that they cannot possibly sort through it effectively.** Beyond providing too much information, NSA surveillance schemes end up increasing the country’s vulnerability: **the agency’s efforts to override the encryption methods protecting common Internet transactions—such as banking, medical records, and commerce—have left these systems open to infiltration by hackers and other hostile entities.** Security expert Bruce Schneier, writing in the Atlantic in January 2014, pointed out: Not only is **ubiquitous surveillance** ineffective, it is extraordinarily costly.... It breaks our technical systems, as the very protocols of the Internet become untrusted.... It’s not just domestic abuse we have to worry about; it’s the rest of the world, too. **The more we choose to eavesdrop on the Internet and other communications technologies, the less we are secure from eavesdropping by others.**

## No Link – Immigration Surveillance

[ ] Enforcing harsh restrictions on individuals who want to immigrate to the United States does nothing to prevent terrorism.

**Griswold**, assistant director of trade policy studies at the Cato Institute, 2001  
(Danie Griswold, Don't Blame Immigrants for Terrorism,  
<http://www.cato.org/publications/commentary/dont-blame-immigrants-terrorism>)

Long-time skeptics of immigration, including Pat Buchanan and the Federation for American Immigration Reform, have tried in recent days to turn those legitimate concerns about security into a general argument against openness to immigration. But **immigration and border control are two distinct issues. Border control is about who we allow to enter the country**, whether on a temporary or permanent basis; **immigration is about whom we allow to stay and settle permanently. Immigrants are only a small subset of the total number of foreigners who enter the United States every year**. According to the U.S. Immigration and Naturalization Service, 351 million aliens were admitted through INS ports of entry in fiscal year 2000 — nearly a million entries a day. That total includes individuals who make multiple entries, for example, tourists and business travelers with temporary visas, and aliens who hold border-crossing cards that allow them to commute back and forth each week from Canada and Mexico. The majority of aliens who enter the United States return to their homeland after a few days, weeks, or months. **Reducing the number of people we allow to reside permanently in the United States would do nothing to protect us from terrorists who do not come here to settle but to plot and commit violent acts**. And **closing our borders to those who come here temporarily would cause a huge economic disruption by denying entry to millions of people who come to the United States each year for lawful, peaceful (and temporary)** purposes. It would be a national shame if, in the name of security, we were to close the door to immigrants who come here to work and build a better life for themselves and their families. Like the Statue of Liberty, the World Trade Center towers stood as monuments to America's openness to immigration. Workers from more than 80 different nations lost their lives in the terrorist attacks. According to the Washington Post, "The hardest hit among foreign countries appears to be Britain, which is estimating about 300 deaths ... Chile has reported about 250 people missing, Colombia nearly 200, Turkey about 130, the Philippines about 115, Israel about 113, and Canada between 45 and 70. Germany has reported 170 people unaccounted for, but expects casualties to be around 100." Those people were not the cause of terrorism but its victims. The problem is not that we are letting too many people into the United States but that the government is not keeping out the wrong people.

## Link Turn – Immigration Surveillance/Terrorism Trade-Off

[ ]

[ ] The money wasted on enforcing immigration laws trades off with money to combat terrorism.

**Open Borders**, pro-immigration advocacy group, 2015  
("Terrorism," <http://openborders.info/terrorism/>)

The absence of legal migration channels is responsible for large scale illegal immigration, which diverts law enforcement resources to combating it: This includes large scale illegal immigration along the southern US-Mexico border. **By allowing more legal migration flows, security agencies could focus on genuine terrorist threats rather than trying to keep out peaceful workers. Note that despite the large scale illegal immigration, there have been almost no instances of terrorists smuggling themselves across the southern border of the United States. All terrorist attacks in the US carried out by foreigners have been carried out by legal immigrants, tourists, or people on non-immigrant visas, including some who overstayed their visas.**

## No Link – Mass Surveillance Ineffective

[ ] There's no evidence that mass surveillance has thwarted terrorism.

### Sterman et al., 2014

(Peter Bergen is the director of the National Security Program at the New America Foundation, where David Sterman and Emily Schneider are research assistants and Bailey Cahall is a research associate, "Do NSA's Bulk Surveillance Programs Stop Terrorists?", Peter Bergen, David Sterman, Emily Schneider, and Bailey Cahall National Security Program January 2014)

However, **our review of the government's claims about the role that NSA "bulk" surveillance of phone and email communications records has had in keeping the United States safe from terrorism shows that these claims are overblown and even misleading.\* An in-depth analysis of 225 individuals recruited by al-Qaeda or a like-minded group or inspired by al-Qaeda's ideology, and charged in the United States with an act of terrorism since 9/11, demonstrates that traditional investigative methods, such as the use of informants, tips from local communities, and targeted intelligence operations, provided the initial impetus for investigations in the majority of cases, while the contribution of NSA's bulk surveillance programs to these cases was minimal.**

**Link Turn – Mass Surveillance Hurts Counter-Terrorism**

[ ] **Surveillance makes counter-terror tools ineffective.**

**Corrigan**, senior lecturer in mathematics, computing, and technology, **2015**

(Ray, Open University, U.K.; Mass Surveillance Will Not Stop Terrorism; Jan 25;

[www.slate.com/articles/health\\_and\\_science/new\\_scientist/2015/01/mass\\_surveillance\\_against\\_terrorism\\_gathering\\_intelligence\\_on\\_all\\_is\\_statistically.html](http://www.slate.com/articles/health_and_science/new_scientist/2015/01/mass_surveillance_against_terrorism_gathering_intelligence_on_all_is_statistically.html); kdf)

Police, intelligence, and security systems are imperfect. They process vast amounts of imperfect intelligence data and do not have the resources to monitor all known suspects 24/7. The French authorities lost track of these extremists long enough for them to carry out their murderous acts. **You cannot fix any of this by treating the entire population as suspects and then engaging in suspicion-less, blanket collection** and processing of personal data. **Mass data collectors can dig deeply into anyone's digital persona but don't have the resources to do so with everyone. Surveillance of the entire population**, the vast majority of whom are innocent, **leads to the diversion of limited intelligence resources in pursuit of huge numbers of false leads.** Terrorists are comparatively rare, so finding one is a needle-in-a-haystack problem. You don't make it easier by throwing more needleless hay on the stack. It is statistically impossible for total population surveillance to be an effective tool for catching terrorists. **Even if your magic terrorist-catching machine has a false positive rate of 1 in 1,000—and no security technology comes anywhere near this—every time you asked it for suspects** in the U.K. **it would flag 60,000 innocent people.** Law enforcement and security services need to be able to move with the times, using modern digital technologies intelligently and through targeted data preservation—not a mass surveillance regime—to engage in court-supervised technological surveillance of individuals whom they have reasonable cause to suspect. That is not, however, the same as building an infrastructure of mass surveillance. Mass surveillance makes the job of the security services more difficult and the rest of us less secure.

## No Internal Link – Surveillance Doesn't Solve Terrorism

[ ]

[ ] The fear of terrorism justifies the expansion of surveillance, but fails to solve terror.

### Weiss, 2015

(Leonard [visiting scholar at Stanford University's Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87)

The rise of the national surveillance state. Lowering the risk of terrorism, particularly the nuclear kind, is the quintessential reason that the mandarins of the national security state have given for employing the most invasive national surveillance system in history. "Finding the needle in the haystack" is how some describe the effort to discern terrorist plots from telephone metadata and intercepted communications. But the haystack keeps expanding, and large elements of the American population appear willing to allow significant encroachments on the constitutional protections provided by the Fourth Amendment. The fear of terrorism has produced this change in the American psyche even though there is no evidence that the collection of such data has resulted in the discovery of terrorist plots beyond those found by traditional police and intelligence methods. It is doubtful that we shall soon (if ever) see a return to the status quo ante regarding constitutional protections. This reduction in the freedom of Americans from the prying eyes of the state is a major consequence of the hyping of terrorism, especially nuclear terrorism. This is exemplified by the blithe conclusion in the previously referenced paper by Friedman and Lewis (2014), in which readers are advised to "be more proactive in supporting our government's actions to ameliorate potential risks." The National Security Agency should love this.

## Internal Link Turn – Right Wing Terror

[ ]

[ ] Surveillance only increases the risks of right-wing terror.

**Cannon, 2015**

(Gabrielle; Should the Charleston Attack Be Called Terrorism;  
[www.motherjones.com/politics/2015/06/charleston-shooting-terrorism-american-extremism](http://www.motherjones.com/politics/2015/06/charleston-shooting-terrorism-american-extremism))

The Southern Poverty Law Center, a nonprofit advocacy organization, still maintains a database called "The Extremist Files" that profiles prominent hate groups and extremist movements and ideologies, but Johnson hopes more will be done to get lawmakers to take note. "Hopefully this will get the attention of those in charge of not only enforcement, but also those making our laws," he said. "Try to wrap your arms around this problem and try to actually develop a strategy to combat it and mitigate it. That is not being done." Still, as former Mother Jones reporter Adam Serwer pointed out in his 2011 coverage of the Sikh temple shooting, **surveillance doesn't always lead to prevention and can impede constitutional rights**: "Mike German, **a former FBI agent who did undercover work infiltrating extremist groups including neo-Nazis and militia groups and is now senior policy counsel for the ACLU, told me that more government surveillance isn't the solution, and that it's a mistake to think there's a technological silver bullet that can flawlessly identify threats before they can be carried out. Most people with extreme views, German says, hold horrible (but constitutionally protected) beliefs they never act on.**" After Johnson left the DHS, the agency contended it was doing all it could to prevent domestic terror. As WIRED reported, DHS spokesman Matt Chandler responded by saying that the "DHS continues to work with its state, local, tribal, territorial, and private partners to prevent and protect against potential threats to the United States by focusing on preventing violence that is motivated by extreme ideological beliefs."



**No Impact – Terrorism Attack Not A Major Threat**

[ ]

[ ] **Terrorism and terrorist attacks aren't major threats to countries.**

**Wolfendale, 2007**

(Jessica, Special Research Center, "Terrorism, Security, and the Threat of Counterterrorism," archives.cerium.ca/IMG/pdf/WOLFENDALE\_2007\_Terrorism\_Security\_and\_the\_Threat\_of\_Counterterrorism-2.pdf)

If the claim that terrorism threatens individual lives to such an extent that it justifies radical counterterrorism measures is based on misleading claims about the extent of the terrorist threat, the claim about the threat posed to national security is just as misleading. Historically, non-state terrorist activity has not significantly undermined nor damaged the national cohesiveness or integrity of liberal democracies. Israel, Germany, Italy, the United Kingdom, and many other countries have lived with terrorist activity for many years without such activity seriously threatening their very existence, or even their "way of life." As noted earlier, greater threats to the existence and survival of states come from other human activities and natural disasters.

## No Impact – Probability of Attack Low

[ ]

[ ] A catastrophic terrorist attack on US soil is unlikely.

**Wolfendale, 2007**

(Jessica, Special Research Center, "Terrorism, Security, and the Threat of Counterterrorism," archives.cerium.ca/IMG/pdf/WOLFENDALE\_2007\_Terrorism\_Security\_and\_the\_Threat\_of\_Counterterrorism-2.pdf)

This is not to deny that terrorism poses a threat to the lives of individuals. **Terrorism currently does threaten lives** and it is indeed possible that terrorists might be planning even more destructive attacks than have hitherto occurred. **But to realistically assess the threat to security posed by terrorism is not enough to show that a threat exists and may continue to exist. Justifying radical counterterrorism measures and massive counterterrorism budgets requires more than postulating possibilities; it requires a clear assessment of the likelihood of the possibility occurring, particularly compared to the likelihood of other future threats. Merely claiming that terrorist could perform an act of super-terrorism because the means for such an act** (e.g., weapons and biological pathogens) **are available is a truism, not a threat assessment.** In fact it is states, not non-state terrorists that have the easiest access to weapons of mass destruction and deadly biological agents. In the United States, for example, the Center for Disease Control has estimated that there are "about 800 labs nationwide who work with so-called select agents, the 49 toxins, on the government's bioterrorism list" and Federal officials have admitted that "policing these labs won't be easy."<sup>27</sup> History has demonstrated that states cannot be relied on not to use such weapons against their perceived enemies (as occurred in World War II with the bombing of Hiroshima) and the deaths caused by state violence far outnumber those caused by non-state terrorism.<sup>28</sup> **It is untenable to conclude that the possibility of non-state terrorists using weapons of mass destruction or biological agents means that they are in fact going to use such weapons. It is equally possible that a state will use such weapons, or that scientists working in the 800 labs mentioned earlier will cause mass casualties through careless handling of biological agents. Given that there have already been cases of what is known as "vial in pocket" syndrome—where scientists carry vials of deadly viruses in their jacket pockets while travelling on international and domestic flights—the possibility of a catastrophic accident should not be ignored**

# **Referendum Counterplan**

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## **Summary**

The Referendum Counterplan is the only generic counterplan in the Varsity Packet. The outline of the counterplan changes the process of decision making proposed by the Affirmative team's plan. In each case, the Affirmative team argues that the United States Federal Government should take some sort of action. In the Referendum Counterplan, the Negative team is not arguing against the government taking that action, but instead they are arguing that the decision should be made by a binding national referendum. In other words, the entire country should vote on the issues highlighted by the Affirmative team, and the federal government should be required to adhere to the decision of the voters.

The remainder of the evidence discusses why the use of a binding referendum is the best course of action. For example, a binding referendum would lead to high voter turnout and provide the government an opportunity to enact a reform based on direct democracy. This power of direct democracy would give citizens an enhanced ownership of the policy that they otherwise cannot experience. Furthermore, referendums draw politically engaged voters and statistics show that unlike policies enacted by government representatives, there can be no doubt that the decision represents the will of the people. The counterplan evidence continues on to explain that direct democracy is the best form of government, and thus the best way to enact any plan. Finally, the evidence explains that direct democracy is key to increasing political engagement and helping end poverty.

## Glossary

**Advisory Referendum** – When a legislative body can choose to enact or not enact the outcome of a direct vote by an entire group on a proposal.

**Binding Referendum** – When a legislative body is bound to the outcome of a direct vote by an entire group on a proposal.

**Civil Liberties** – The state of being subject only to laws established for the good of the community, especially with regard to freedom of action and speech; individual rights protected by law from unjust governmental or other interference.

**Direct Democracy** – A form or system of democracy giving citizens an extraordinary amount of participation in the legislation process and granting them a maximum of political self-determination.

**Electoral Law** – Laws defining what is and is not allowed in elections

**Fiat** – Latin for “let it be done” – A theoretical construct in policy debate derived from the word in the resolution whereby the substance of the resolution is debated, rather than the political feasibility of enactment and enforcement of a given plan

**Judicial Review** – The doctrine under which legislative and executive actions are subject to review by the judiciary. A court with judicial review power may invalidate laws and decisions that are incompatible with a higher authority, such as the terms of a written constitution.

**National Referendum** – A direct vote in which an entire nation is asked to vote on a particular proposal.

**Petition Clause** – The formal name for the right to petition as referred to in the First Amendment.

**Political Actor (Political Agent)** – A person responsible for decision making about and enacting of a policy.

**Political Elites** – A small group of people who control a disproportionate amount of wealth or political power.

**Popular Sovereignty** – The principle that the authority of the government is created and sustained by the consent of its people, through their elected representatives (Rule by the People), who are the source of all political power.

**Public Deliberation** – A conversation or discussion that includes citizens who reflect diverse viewpoints on the topic or issue under consideration.

**Rollback** – The process of restoring something to its previously defined state.

**Special Interest Subversion** – An attempt to transform the established social order and its structures of power, authority, and hierarchy by a special interest group.

## 1NC Shell (1/2)

**Counterplan Text: The United States Federal Government should put to vote a direct binding national referendum regarding the passage of the plan.**

**1. The Counterplan has the following net benefits: \_\_\_\_\_.**

**2. The Counterplan solves – The public supports the curtailing of surveillance, the counterplan poses a better solution by erring on the side of liberty.**

**Pew Research Center, 2015**

(Lee Rainie and Mary Madden for the Pew Research Center on Internet, Science, and Tech; "Americans' View On Government Surveillance Programs"; 03/16/2015; accessed 07/01/2015; <<http://www.pewinternet.org/2015/03/16/americans-views-on-government-surveillance-programs/>>.)

**Americans are divided in their concerns about government surveillance** of digital communications In this survey, 17% of Americans said they are "very concerned" about government surveillance of Americans' data and electronic communication; 35% say they are "somewhat concerned"; 33% say they are "not very concerned" and **13% say they are "not at all" concerned about the surveillance. Those who are more likely than others to say they are very concerned include those who say they have heard a lot about the surveillance efforts (34% express strong concern)** and men (21% are very concerned). When asked about more specific points of concern over their own communications and online activities, respondents expressed somewhat lower levels of concern about electronic surveillance in various parts of their digital lives: Americans Have More Muted Concerns about Government Monitoring of their Own Digital Behavior **39% say they are "very concerned" or "somewhat concerned" about government monitoring of their activity on search engines. 38% say they are "very concerned" or "somewhat concerned" about government monitoring of their activity on their email messages. 37% express concern about government monitoring of their activity on their cell phone.** 31% are concerned about government monitoring of their activity on social media sites, such as Facebook or Twitter. 29% say they are concerned about government monitoring of their activity on their mobile apps. In addition, notable numbers of respondents said that some of these questions were not applicable to them. In general, men are more likely than women to say that they are "very concerned" about government surveillance of Americans' data and electronic communications (21% vs. 12%). Men are also more likely than women to be "very concerned" about surveillance over their own activities on mobile apps and search engines. When asked to elaborate on their concerns, many survey respondents were critical of the programs, frequently referring to privacy concerns and their personal rights.

## AT: Perm Do Both

Only committing to a binding referendum will encourage voter participation.

## DuVivier, 2006

(KK DuVivier; Professor of Law at University of Denver; "The United States as a Democratic Ideal?: International Lessons in Referendum Democracy" p 845-848; University of Denver Sturm College of Law; 2006; accessed 07/01/2015; <<http://poseidon01.ssrn.com/delivery.php?ID=373087070022101004087096120125013018017088025072063003074023127092024105002114099002045016030042041027026000020084097120093127055081055054007093093107114121075111058058016098092084100075069070095012066082076123123019120031080077112085094067072013&EXT=pdf&TYPE=2>>.)

In contrast to votes that bind in legal terms, some referendums are only advisory or "consultative."<sup>170</sup> **Advisory referendums are not as common in the United States, and "some state constitutions disallow ballot questions that have no legal effect."**<sup>171</sup> Yet New Zealand<sup>172</sup> and several European countries, including Denmark, Finland, Italy, Norway, Sweden, and the United Kingdom,<sup>173</sup> have used referendums that do not formally bind. **Critics** of the New Zealand advisory referendum process, however, **call it "a fraud on the community" because the government asks the public "for its opinion when the Government has said that it will not necessarily follow that opinion."**<sup>174</sup> Consequently, New Zealand's advisory referendum statute, although popular at first,<sup>175</sup> "[w]ithin a decade . . . appears to have fallen into desuetude."<sup>176</sup> This conclusion presumes, however, that the primary objective of citizen initiated referendums is for them to create positive law. The reality, in fact, is that "most initiatives fail,"<sup>177</sup> and **despite low passage rates** and despite high costs, the main reason **interest groups in the United States continue to pursue unsuccessful initiatives** is that they can be an effective route **"to exert pressure on other political actors."**<sup>178</sup> Thus, these advisory **referendums allow citizens "to place pressure on legislative bodies to take a certain course of action."**<sup>179</sup> In the United States, citizens have used advisory referendums in the local government arena. For example, in 1983, local voters passed Proposition 0 that asked the City of San Francisco to notify President Reagan that they favored the repeal of bilingual ballot provisions of the Federal Voting Rights Act.<sup>180</sup> In addition, during the late 1970s, advisory referendums directed attention to national environmental and nuclear-freeze issues.<sup>181</sup> More significantly, the experience in Europe has shown that advisory referendums often effectively bind governments. "No parliament in Europe has explicitly disregarded the verdict delivered by the people, and were this to happen on a major issue, the fallout would be severe."<sup>182</sup> Furthermore, an advisory referendum often proves preferable to one that binds. First, it does not conflict with an existing system of government that requires legislative supremacy. For example, in the United Kingdom, the "notion of parliamentary sovereignty"<sup>183</sup> dictates that Parliament cannot be formally bound by an advisory referendum.<sup>184</sup> Consequently, an advisory referendum exerts pressure while simultaneously preserving the existing governance system.<sup>185</sup> Second, an advisory process better reflects the reality that government actors must interpret and implement any measure.<sup>186</sup> An advisory referendum allows a legislature flexibility to predict the outcome of a provision in a manner that reconciles possible conflicts<sup>187</sup> and anticipates constitutional challenges in the courts.<sup>188</sup>



## AT: Advisory Perm

[ ]

[ ] An advisory referendum eliminates direct democracy. Every instance of direct democracy is key.

**Robinson, 2007**

(Nick, Yale Law School, J.D., Citizens Not Subjects: U.S. Foreign Relations Law and the Decentralization of Foreign Policy, Akron Law Review, 40 Akron L. Rev. 647)

The argument in this article for local democratic participation is also, perhaps primarily, a humanist one. **With more possibility for participation**, we become thicker citizens. **We have greater ability to engage in our communities and in turn more control over and understanding of our own lives as humans**. For Durkheim, government had its own consciousness. Such a characterization highlighted that although government at its root might merely be a shared idea in a community of conscious humans, it could also have its own agency. The state had its own logic that was removed, and even unknown, from those that "thought" government into existence. He writes of a democratic state that **"the closer communication becomes between the government consciousness and the rest of society, and the more this consciousness expands and the more things it takes in, the more democratic the character of the society will be."** n14 For Durkheim, **it is the democratic state's reflection upon its citizens through its citizens that gave democracy a moral superiority.** n15 [\*655] **When we debate where and how democratic governance will occur, we are battling over what choreography of thought will define our state and we as citizens.** Such stakes are not easily quantifiable. If our aim in structuring governance, however, is not to reach definable utopias, but rather to balance as best we can the competing interests and tensions of being human and being governed, then we must take into account governance's transcendent depths and not just its readily chartable currents.

**AT: No Solvency – Polls Aren't Trustworthy**

[ ] Referendums draw the most politically engaged voters who are educated on the issue at hand.

**Donovan and Karp, 2006**

(Todd Donovan, professor of political science at Western Washington University; Jeffrey A. Karp, professor of politics at the University of Exeter; "Popular Support for Direct Democracy" p 683-684; Party Politics Vol 12 No 5; SAGE Publications; 2006; accessed 07/01/2015; <[http://www.jkarp.com/pdf/pp\\_2006.pdf](http://www.jkarp.com/pdf/pp_2006.pdf)>.)

In a survey of the effects of political reforms designed to lower barriers to participation (e.g. postal voting, absentee voting, election-day registration), Berinsky (2005) notes that such **reforms often have the effect of mobilizing higher proportions of interested voters** than less interested ones. He finds that **when rules are changed to make it easier to vote, people with higher levels of political interest are most likely to take advantage of the rule change. The less interested, in contrast, lack sufficient levels of interest to be engaged, even when barriers to participation are reduced.** From this perspective, it seems plausible that **when democratic institutions require additional effort from citizens, those institutions will elicit less support from people with low levels of interest in politics than from those with more interest.** For many people, **the desire to participate in initiative and referendum decisions probably corresponds with some level of political interest.** Perhaps we should not be too surprised, then, to find some evidence here consistent with the cognitive mobilization thesis. **Referendums and initiatives do require that citizens make more political decisions than they would have to do otherwise, and** possibly require that **they must also obtain additional cues and information to make such decisions.** Although there is ample evidence suggesting that readily available cues assist people in making such decisions (Bowler and Donovan, 1998; Lupia, 1994), the act of participating in a referendum nevertheless presents the citizens with additional cognitive costs of participation. Unlike previous studies of attitudes about direct democracy, some of our findings are consistent with the idea that **the politically interested and politically engaged, at least in some nations, are less sensitive to such costs, and, thus, more supportive of direct democracy.** These findings are also consistent with other research suggesting that referendums may encourage the politically interested and educated to turn out at elections (Donovan et al., 2005). Results from this study also have implications for normative assessments of direct democracy. Our results provide little support for the idea that direct democracy may be used as a tool to mobilize those most peripheral to politics, nor do they demonstrate that direct democracy finds particular support on the far right of the ideological spectrum. This might be possible, but we find little support for those ideas here. This point is important. Although we do find some mixed support for the political disaffection thesis, the patterns we observe in our multivariate analysis suggest different conclusions than those reached by Dalton et al. (2001). Although we do find that frequent use of referendums had more opposition among those with a university education (in some nations), many of our multivariate findings fail to conform with the results they report from Germany and elsewhere in Europe.<sup>2</sup>

**AT: No Solvency – Process Manipulation**

[ ]

[ ] Statistical data shows that the desires of the majority are met.

**Matsusaka, 2005**

(John G., Professor of Finance and Business Economics in the Marshall School of Business, Professor of Business and Law in the Law School, and President of the Initiative & Referendum Institute, all at the University of Southern California, Direct Democracy Works, Journal of Economic Perspectives, Volume 19, Number 2, Spring pg. 185–206)

**Despite the concerns of special interest subversion, the evidence generally shows that direct democracy serves the many and not the few.** Matsusaka (2004) examines **fiscal data spanning the entire twentieth century** at both the state and local level to **determine** whether the initiative promotes tax and spending policies favored by the majority or, as the special interest view maintains, leads to policies favored by a minority and opposed by the majority. The study first documents three significant policy changes brought about by the initiative: 1) spending and tax cuts; 2) decentralization of spending from state to local governments; and 3) a shift of revenue out of broad-based taxes and into user fees and charges for services. Numerous opinion surveys are then examined, which generally show that a majority of people favored the three changes brought about by the initiative. Thus, as far as fiscal policy is concerned, **the initiative** appears **to have delivered policies desired by the majority.**

**AT: No Solvency – Delays**

**[ ] The counterplan mandates the process begin immediately, but setup takes 90 days.**

**Singer, 2011**

(Bill, member of the Herskovits PLLC law firm, Time for a National Referendum on Economic Policy, Broke & Broker, August 8th, <http://www.brokeandbroker.com/1013/national-economic-referendum-bill-singer>)

**Let us then submit those proposals to a popular vote** with the requirement that **the two plans receiving the most votes** after a primary-type ballot **would** then **be** ultimately **submitted to the American public for a vote within**, say, **90 days**. During that interim, Congress would be welcome to draft a super-majority counter-plan that would be listed on the same final ballot. It would be an interesting challenge to the House and Senate to see if they can forge a single piece of legislation that the public will support.

**[ ] Implementation only takes two days.**

**Shermer, 1969**

(Shermer, Ph.D. Gov't Studies American University, American Referendum Association, "The Sense of the People")

Probably the best answer to this seemingly valid argument is contained in the following statement of the late U.S. Senator Jonathan Bourne, Jr., in the "Annals of the American Academy of Political and Social Science," Sept., 1912, issue: "In my opinion, the **individual voters** of the state (Oregon) **in the quiet of their own homes** in the evening **could better consider and decide upon an average of one bill in two days than members of the legislature**, amid the hurry and strife and personal feeling incidence to a legislative session, could consider and decide upon an average of twelve bills a day. It is erroneous to assume that **the voter** is required to pass upon a large number of measures in the few minutes he occupies the booth on election day. Such is not the case. He has several weeks to determine how he will vote, and **merely takes a few minutes in which to mark his ballot.**" To support his contention, Senator Bourne added, that in one year (about 1911) each member of the Oregon Legislature had to consider five hundred bills in forty days (approx. twelve per day), plus political questions, resolutions, and problems of parliamentary procedure. **With today's shorter work week, and tomorrow's thirty-hour-week resulting inevitably from automation, it is not a question of whether people have the time**—the question is whether they have the inclination. The referendum system is designed to create the desire and the incentive to study the issues.

**AT: No Solvency – Rollback**

[ ] **Precedents are already set – rollback only occurs when the results of the ballot are unconstitutional or not deemed procedurally valid, and standards check.**

**U.N. Commission for Human Rights, 2001**

(U.N. Commission for Human Rights, Office of the U.N. High Commissioner for Human Rights; "Guidelines for Constitutional Referendums at National Level"; Adopted by the Venice Commission at its 47 th Plenary Meeting; 07/6-7/2001; accessed 07/07/2015; <[http://www2.ohchr.org/english/law/compilation\\_democracy/guidelines1.htm](http://www2.ohchr.org/english/law/compilation_democracy/guidelines1.htm)>.)

I. THE GENERAL CONTEXT Recent experience of **constitutional referendums** in the **new democracies** has **highlighted a number of issues** which the present guidelines seek to address. These guidelines set out minimum **rules for constitutional referendums** and **are designed to ensure that this instrument is used** in all countries **in accordance with the principles of democracy and the rule of law.** Constitutional **referendums are taken as referring to popular votes** in which the question of partially or totally revising a State's Constitution (and not of its federated entities) is asked, irrespective of whether this requires voters to give an opinion on a specific proposal for constitutional change or on a question of principle. By definition a constitutional referendum is concerned with a partial or total revision of the Constitution. A constitutional referendum may : • be required by the text of the Constitution which provides that certain texts are automatically submitted to referendum after their adoption by Parliament (mandatory referendum); • take place following a popular initiative : - either a section of the electorate puts forward a text which is then submitted to popular vote; - or a section of the electorate requests that a text adopted by Parliament be submitted to popular vote; • be called by an authority such as : - Parliament itself or a specific number of members of Parliament; - the Head of State or the government; - one or several territorial Entities. Constitutional referendums may be held both with respect to texts already approved or not yet approved by Parliament. They may take the form of : a vote on specifically-worded draft amendments to the constitution or a specific proposal to abrogate existing provisions of the Constitution; a vote on a question of principle (for example: "are you in favour of amending the constitution to introduce a presidential system of government?"); or on a concrete proposal which does not have the form of specifically worded amendments, know as a "generally worded proposal" (for example: "are you in favour of amending the Constitution in order to reduce the number of seats in Parliament from 300 to 200?"). **It could be a question of a legally binding referendum** or a non-legally binding referendum II. GUIDELINES A. Legal basis The following **issues must be expressly regulated** at constitutional level: - **types of referendum** and the bodies competent to call a referendum; - **the subject-matter of referendums**; - **the effects of referendums**; - general norms and principles (point II.B), including the franchise; - **the main rules governing procedural and substantive validity** (points II.C and II.D); - judicial review (point II.P). All the guidelines outlined below should be covered by the Constitution or legislation. B. General norms and principles 1. The **constitutional principles of electoral law** (universal, equal, free, direct and secret suffrage) **apply to referendums.** 2. **Equally, fundamental rights**, especially freedom of expression, freedom of assembly and freedom of association **must be guaranteed and protected.** 3. **The use of referendums must comply with the legal system as a whole** and especially the rules governing revision of the Constitution. In particular, referendums cannot be held if the Constitution does not provide for them, for example where constitutional reform is a matter for Parliament's exclusive jurisdiction. 4. **Judicial review should be available** in the field covered by the present guidelines.

**AT: No Solvency – Experts Key**

[ ] **Experts overestimate their own knowledge, have tunnel vision, and engage in group think. Engaging the public is key to involve public values and create more popular policies.**

**Shane, 2012**

(Peter M. Shane, Chair in Law at the Moritz College of Law of Ohio State University; "Cybersecurity Policy as if "Ordinary Citizens" Mattered: The Case for Public Participation in Cyber Policy Making" pg 455-458; Journal of Law and Policy for the Information Society; 09/02/2012; accessed 07/01/2015; < [http://moritzlaw.osu.edu/students/groups/is/files/2012/02/9.Shane\\_.pdf](http://moritzlaw.osu.edu/students/groups/is/files/2012/02/9.Shane_.pdf)>.)

The most intense objections from agency policy makers are likely to appear in the form of doubts as to the utility of deliberation with non-experts. In research I did in 2009 on early efforts by the current Federal Communications Commission (FCC) leadership to expand public input in FCC decision making,<sup>72</sup> a number of **senior staff expressed genuine uncertainty as to the role non-expert opinion was supposed to play in their decision making.** In the words of one staff member, "Aren't we supposed to be the expert agency? What's the general public going to tell me about the hard technical choices we face that I do not already know?"<sup>73</sup> **Such an objection,** however, **ignores two critical points.** The first is that **decision making confined to experts is prone to its own kinds of deficiencies.** Happily, evidence does suggest that **"experts are less likely to make certain sorts of predictable errors,** such as overestimating the likely recurrence of vivid events, and more likely to gain some adaptive ability to overcome erroneous judgments as a result of repeat encounters with specific factual scenarios."<sup>74</sup> **Experts, however: are subject to three distinct biases of their own.** First, **they are likely to overestimate their actual knowledge.** In the experimental setting, they demonstrate levels of confidence in their judgments that exceed the actual advantages conferred by their expertise, the propensity to be "often wrong, but never in doubt." Second, **they are likely to adopt a world view that turns largely on the area of their expertise and are unable to weigh its relative merits against other matters** outside the zone of their expertise . . . Third, **and** relatedly, **they are subject to routinized ways of approaching problems and to an unreflective "group think" style of inbred behavior.**<sup>75</sup> Melding expert analysis with broad-based deliberation can help offset each of these biases. Indeed, **public deliberation may be critical for countering the tendency among experts to pose problems solely within the technical frameworks** with which they feel most comfortable. Whether to devote public resources to better firewalls, for example, or to various kinds of "workarounds" that would permit critical infrastructure to function even in the face of cyber aggression is a determination as likely to involve political, social, and economic tradeoffs as it is a technical assessment regarding the possible success of such strategies. So are decisions regarding our national doctrine on cyber war, investments in systems designed to improve cyber attribution, the allocation of cyber authority among military and civilian authorities, and the scope of presidential authority over the Internet. One does not have to impute ill motive to imagine how specialists in law, economics, military science, and information science might be tempted to characterize these issues as "ultimately" about legality, efficiency, operations research, or sound management. All of these disciplines are implicated, but so are public values regarding liberty, privacy, accountability, and competing priorities. These values should not be subordinated in the creation of public policy. The second point is that good design for a policy process intended from the outset to accommodate non-expert policy input is quite likely to improve the quality of the relevant technical analysis as well.

**AT: No Solvency – No Direct Democracy**

[ ]

[ ] **Direct referendums can enact positive law or repeal and veto existing laws and bills, and they encourage the best voter turn-out.**

**DuVivier, 2006**

(KK DuVivier; Professor of Law at University of Denver; “The United States as a Democratic Ideal?: International Lessons in Referendum Democracy” p 845-848; University of Denver Sturm College of Law; 2006; accessed 07/01/2015; <[http://poseidon01.ssrn.com/delivery.php?ID=373087070022101004087096120125013018017088025072063003074023127092024105002114099002045016030042041027026000020084097120093127055081055054007093093107114121075111058058016098092084100075069070095012066082076123123019120031080077112085094067072013&EXT=pdf&TYPE=2](http://poseidon01.ssrn.com/delivery.php?ID=373087070022101004087096120125013018017088025072063003074023127092024105002114099002045016030042041027026000020084097120093127055081055054007093093107114121075111058058016098092084100075069070095012066082076123123019120031080077112085094067072013&EXT=pdf&TYPE=2>)>.)

B. Effect of Referendums: Binding v. Advisory Referendum outcomes vary. Some bind or make their terms obligatory. Others simply advise and allow legislators and executives to retain some discretion over implementation. Binding referendums compel governments to implement them.<sup>162</sup> What the referendum compels the government to do, however, depends on the process established. **The direct referendum provides the most common binding process and becomes positive law once passed.**<sup>163</sup> **Switzerland, Australia, and approximately half of the states in the United States offer this direct referendum process.**<sup>164</sup> **The opportunity for citizens to flex their muscles in this way encourages use: Switzerland and Australia account for the most frequent referendums on a national level.**<sup>165</sup> Likewise, Oregon, California, Colorado, North Dakota, and Arizona historically represent states with the highest initiative use, and all offer direct initiative processes.<sup>166</sup> **Italy has used a unique version of the direct initiative.** Article 75 of Italy’s Constitution contains the referendum abrogativo, which allows citizens to nullify legislation enacted at the national level.<sup>167</sup> This veto can apply to all or portions of legislation. Because **the process allows citizens to negate actions by the legislature** and because **the threat of a referendum veto has often motivated the parliament to act,** commentators have argued that it “has done much to serve the long-term interests of the Italian people” and has transformed Italy from a “partyocracy to democracy.”<sup>168</sup> The effectiveness of this process has made Italy the European country with the second highest use of referendums, surpassed only by Switzerland.<sup>169</sup>

## AT: No Solvency – No Intrinsic Benefit

[ ]

[ ] Direct democracy is the best form of decision making in government.

**Robinson, 2007**

(Nick, Yale Law School, J.D., Citizens Not Subjects: U.S. Foreign Relations Law and the Decentralization of Foreign Policy, Akron Law Review, 40 Akron L. Rev. 647)

The argument in this article for local democratic participation is also, perhaps primarily, a humanist one. **With more possibility for participation**, we become thicker citizens. **We have greater ability to engage in our communities and in turn more control over and understanding of our own lives as humans.** For Durkheim, government had its own consciousness. Such a characterization highlighted that although government at its root might merely be a shared idea in a community of conscious humans, it could also have its own agency. The state had its own logic that was removed, and even unknown, from those that "thought" government into existence. He writes of a democratic state that **"the closer communication becomes between the government consciousness and the rest of society, and the more** this consciousness expands and the more things it takes in, the more **democratic the character of the society will be.**"<sup>n14</sup> For Durkheim, **it is the democratic state's reflection upon its citizens through its citizens that gave democracy a moral superiority.**<sup>n15</sup> [\*655] When we debate where and how democratic governance will occur, we are battling over what choreography of thought will define our state and we as citizens. Such stakes are not easily quantifiable. If our aim in structuring governance, however, is not to reach definable utopias, but rather to balance as best we can the competing interests and tensions of being human and being governed, then we must take into account governance's transcendent depths and not just its readily chartable currents.



## AT: No Solvency – Not Allowed

[ ]

[ ] Nothing in the Constitution forbids this.

**Tutt, 2014**

(Andrew Tutt, law clerk in Washington, D.C. and a Visiting Fellow at the Yale Information Society Project.; “McCutcheon Calls for a National Referendum on Campaign Finance (Literally)”; Columbia Law Review; 10/2014; accessed 07/06/2015; <[http://columbialawreview.org/national-referendum\\_tutt/](http://columbialawreview.org/national-referendum_tutt/)>.)

But the analysis is somewhat more difficult when one speaks of the possibility of **a binding national referendum, where a law’s legal force is conditioned on its endorsement by a majority of voters** during, for example, a national presidential election.<sup>27</sup> **Nothing in the Constitution affirmatively precludes such an outcome, and indeed, tens of thousands of laws are conditioned on the actions of some other party before they take effect.** Many regulatory delegations, for example, provide that they will not bind regulated parties until such time as the administrator of the agency charged with administering the regulatory program takes certain ministerial acts—such as promulgating a regulation implementing the statute.<sup>28</sup> In principle, **a national referendum is entitled to analysis** under the same logic. If such a law were passed, **Congress and the President, in their collective judgment, will have elected to delegate to the People themselves the decision of whether the law should or should not bind them.**<sup>29</sup> **There are limits to this principle,** however, though where they are to be found is a complex question. For instance, both the legislative veto (by which Congress allowed itself to veto a law at a later date) and the line-item veto (by which the President was authorized to pick and choose which parts of each law he would veto) have been held unconstitutional because they violate the Constitution’s deep structural principles.<sup>30</sup> In light of these cases, it can safely be said that **any law that meddles with how the Constitution fundamentally works is vulnerable to collateral constitutional attack** on structural and separation-of-powers grounds.

## AT: Solvency Turn – Capitalism

[ ]

[ ] Money has little proven influence in referenda. The most popular option garners the most monetary support, increasing access to popular majority viewpoints to all participants.

**Stratmann, 2005**

(Thomas Stratmann, Department of Economics, George Mason University; "The Effectiveness of Money in Ballot Measure Campaigns" pg 103-104; Symposium on the Impact of Direct Democracy; 09/02/2005; accessed 07/03/2015; <http://www.gmu.edu/centers/publicchoice/faculty%20pages/stratmann/vitae%20files/effectmoney.pdf>)

On one side of the debate on money in ballot measure campaigns are those who are concerned that interest groups have too much influence in the process.<sup>7</sup> This side of the debate is concerned about the influence of money on outcomes. Spending by wealthy or well-funded interests may give those interests an advantage with respect to the passage or defeat of ballot measures over those who do not have the financial means to present their views through an advertising campaign. **Some claim that if those who spend are more likely to win, than those without the financial means to compete are limited in their political participation.** David Broder for example, suggests that the initiative process "has become the favored tool of millionaires and interest groups that use their wealth to achieve their own policy goals."<sup>8</sup> Broder continues to argue that "initiative campaigns have become a money game, where average citizens are subjected to advertising blitzes of distortions and half-truths and are left to figure out for themselves which interest groups pose the greatest threats to their selfinterest."<sup>9</sup> As mentioned in the Introduction, the **academic literature has found little evidence that interest groups can purchase their preferred policies** through the initiative process. The literature has found that **money has only a small influence on whether initiatives pass.** Campaigning to maintain the status quo is more successful than campaigning to change it and successful campaigning in part depends on the type of interest groups involved. Moreover, **even if there was evidence that the side which spends more money is also more likely to win, this does not necessarily imply an inequality in access** to political participation. The reason that **the winning side spends more simply reflects that this side represents the views of many voters and thus was able to attract many funds.**

## AT: Solvency Turn – Poverty

[ ]

[ ] **Democratic inclusion is the only way to solve poverty and limited political engagement.**

**Weeks, 2014**

(Daniel Weeks, former president of Americans for Campaign Reform and a fellow at the Edmond J. Safra Center for Ethics at Harvard University; “How to Solve America's Democracy and Poverty Crisis”; The Atlantic Politics Division; 01/10/2014; accessed 07/06/2015; <<http://www.theatlantic.com/politics/archive/2014/01/how-to-solve-americas-democracy-and-poverty-crisis/282983/>>.)

However you slice and dice the numbers, **people in poverty are at a serious, structural disadvantage when it comes to making their voices heard** and having their interests represented in Washington. They are far from equal citizens in the public square. **A democracy problem requires a democracy solution.** Just as the gains made during the first decade of the War on Poverty cannot be separated from another pair of bills Johnson signed into law—the Civil Rights Act of 1964 and Voting Rights Act of 1965—**so too must the work of combatting systemic poverty today confront the lack of political equality for all.** Fortunately, **democratic-process reforms abound.** If states are the laboratories of democracy, then we need look no further than American states that effectively enable their citizens to participate in public life for examples to introduce to the nation as a whole. Not surprisingly, **politically inclusive states also experience considerably lower levels of poverty and higher voter turnout than other states. Some reforms are simply a matter of equal justice under law.** Denying approximately 10 million taxpaying U.S. citizens the right to vote or voting representation in Congress, because of a prior conviction or the district or territory in which they live, is morally and constitutionally suspect. To right the first of these wrongs, all states should ensure that voting and other constitutional rights are restored to people with felony convictions once they have completed their sentence and reenter society. In no instance should a former felon be permanently disenfranchised under the Constitution. State legislation or a constitutional challenge or amendment could accomplish this task. Likewise, Congress should pass a law granting voting representation to Washington, D.C., Puerto Rico, and the territories in the House and Senate. A constitutional challenge or amendment based on Equal Protection could also accomplish the task.

# **Referendum Counterplan Affirmative**

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## **Summary**

The Affirmative answers to the Referendum Counterplan provide a few options. First, the Affirmative team has the option of suggesting a permutation of their original plan with the counterplan. In this case, the Affirmative team suggests putting forth an advisory referendum. The key difference being that the Affirmative team is advocating that a national poll still take place, but that the results of the national poll be used only to advise the original decision making body. The advisory referendum would take the place of the binding referendum and would still allow for a form of direct democracy. Even so, it is unclear whether or not national binding referendums are even constitutional.

The second approach that the Affirmative team can take is to deny that the impacts of the counterplan are positive or even solve the problems that they claim to solve. Instead of proposing an advisory referendum, the Affirmative team could argue that referendums are not trustworthy. The evidence shows that people with money, social capital, and/or political capital have an ability to manipulate votes and destroy direct democracy. Furthermore, the evidence highlights concerns in the process of administering national referendums. Specifically, there could be severe delays in the process of trying to implement such a new procedure, and the results may ultimately be rolled back if they are deemed unconstitutional. Other criticisms that are raised include the lack of education among voters and the need for experts to be decision-makers, that low voter turnout could inhibit democracy, and that direct democracy may create more problems than it solves.

## Glossary

**Advisory Referendum** – When a legislative body can choose to enact or not enact the outcome of a direct vote by an entire group on a proposal.

**Binding Referendum** – When a legislative body is bound to the outcome of a direct vote by an entire group on a proposal.

**Civil Liberties** – The state of being subject only to laws established for the good of the community, especially with regard to freedom of action and speech; individual rights protected by law from unjust governmental or other interference.

**Direct Democracy** – A form or system of democracy giving citizens an extraordinary amount of participation in the legislation process and granting them a maximum of political self-determination.

**Electoral Law** – Laws defining what is and is not allowed in elections

**Fiat** – Latin for “let it be done” – A theoretical construct in policy debate derived from the word in the resolution whereby the substance of the resolution is debated, rather than the political feasibility of enactment and enforcement of a given plan

**Judicial Review** – The doctrine under which legislative and executive actions are subject to review by the judiciary. A court with judicial review power may invalidate laws and decisions that are incompatible with a higher authority, such as the terms of a written constitution.

**National Referendum** – A direct vote in which an entire nation is asked to vote on a particular proposal.

**Petition Clause** – The formal name for the right to petition as referred to in the First Amendment.

**Political Actor (Political Agent)** – A person responsible for decision making about and enacting of a policy.

**Political Elites** – A small group of people who control a disproportionate amount of wealth or political power.

**Popular Sovereignty** – The principle that the authority of the government is created and sustained by the consent of its people, through their elected representatives (Rule by the People), who are the source of all political power.

**Public Deliberation** – A conversation or discussion that includes citizens who reflect diverse viewpoints on the topic or issue under consideration.

**Rollback** – The process of restoring something to its previously defined state.

**Special Interest Subversion** – An attempt to transform the established social order and its structures of power, authority, and hierarchy by a special interest group.

## Permutation – Advisory Referenda

[ ]

[ ] Perm does both – have Congress pass the plan after putting forth an advisory referendum to the public regardless of the outcome of the referendum. Advisory referendums allow direct democracy while avoiding constitutional rollback.

## Duvivier, 2006

(KK, assoc. prof. @ Univ. of Denver College of Law, THE UNITED STATES AS A DEMOCRATIC IDEAL? INTERNATIONAL LESSONS IN REFERENDUM DEMOCRACY, Legal Research Paper Series, Working Paper No. 07-13, <http://ssrn.com/abstract=960319>)

**Although binding referendums may violate the legislative procedure established in the Constitution, the Petition Clause appears to implicitly authorize use of advisory referendums.** The First Amendment explicitly provides citizens with the right to petition the government.<sup>314</sup> **Early cases acknowledged that the right to petition** included a right to submit legislative proposals. **These same cases, however, made clear that the right to submit did not come with a collateral obligation on the part of Congress to act.** Nonetheless, in the early days of the Republic, Congress in fact had in place rules that made consideration mandatory. These internal rules that required Congress to consider citizen petitions lasted only until 1836. In that year, Congress amended its rules to prohibit receipt of any petitions addressing the abolition of slavery, effectively putting a gag on the topic.<sup>315</sup> Although the constitutionality of the gag rule was never challenged in the courts,<sup>316</sup> the Supreme Court has indicated that the right to petition does not embody a corresponding right to a response. In *Smith v. Arkansas State Highway Employees Local 1315*,<sup>317</sup> the Court noted: The First Amendment right to associate and to advocate “provides no guarantee that a speech will persuade or that advocacy will be effective.” The public employee surely can associate . . . . But the First Amendment does not impose any affirmative obligation on the government to listen, to respond or, in this context, to recognize the association and bargain with it.<sup>318</sup> Other cases have made similar pronouncements.<sup>319</sup> Even though the right of petition may not include a right of response, it still embodies more than the free speech right to address elected representatives.<sup>320</sup> Although its placement at the end of the First Amendment might make it appear to be an afterthought, in fact “[p]etitioning was the most important form of political speech the colonists had known, not just because of its expressive character, but also because of the ways in which it structured politics and the processes of government.”<sup>321</sup> Consistent with the Petition Clause, a system that permitted citizens to adopt advisory referendum “petitions” and submit them to Congress would pose no threat to representative government.<sup>322</sup> A citizen referendum could serve to meet this petition function as a separate opportunity for citizens to submit to Congress a document with signatures requesting legislative action.<sup>323</sup> Moreover, **this advisory right would provide citizens an opportunity to influence Congress and to participate more directly in their democracy.**



## No Solvency – Polls Aren't Trustworthy

[ ]

[ ] Polls aren't trustworthy metrics for a variety of reasons.

### Messerli, 2012

(Joe Messerli, degree in Finance from University of Wisconsin, auditor for National Audit; "Why Polls Shouldn't Be Used To Make Decisions"; 01/07/2012; accessed 07/03/2015; <[http://www.balancedpolitics.org/editorial-the\\_case\\_against\\_polls.htm](http://www.balancedpolitics.org/editorial-the_case_against_polls.htm)>.)

Is this a good thing? To a certain extent, yes, it is. After all, a politician is specifically elected to represent a collection of people. Who would want an official in government who never listens to the people? Polls are a way to make the voice of the individual citizen heard. Unfortunately, things aren't all that simple. Polls are inherently bad vehicles for making a decision. Although they should always be taken into consideration, polls are a very poor way to determine the correct course of action. Let's examine the reasons polls have limited usefulness. Poll Results Aren't Always Reliable **Polls can be inaccurate for a number of reasons: Samples can be too small** in size or unrepresentative of the population It's normally too expensive or time-consuming to survey everyone in population; thus, **we must rely on samples to gauge the opinions of everyone.** A reliable, scientific poll questions a large enough sample of people to ensure statistical accuracy and includes a representative selection of respondents. Thus, a poll designed to represent American public opinion wouldn't be very reliable if it only included 10 people or included only white males. It's rare that news reports will mention details of the information sample or how the survey was conducted. Viewers and readers usually just take the poll results as fact. For example, what if I reported a poll that said 96 percent of Americans are pro-choice? This obviously doesn't reflect American public opinion, but if the source was a survey of the feminist magazine Bitch readers, the results would be understandable. **A clever or sloppy journalist can obscure the source and portray public opinion in an inaccurate way.** Think about all the polls that are done today and how easy results can become unrepresentative. **Web polls exclude people without web access** and those who don't visit that particular site. **Polls also exclude those that don't have the time or interest to respond.** Think about TV polls. Fox generally has more conservative viewers; CNN generally has more liberal viewers. Thus, their **polls results may be skewed to the conservative or liberal side regardless of the issue.** The chances for error or bias are endless. **Polls can ask leading questions. Questions can be worded in a way that leads a respondent to an answer that may or may not reflect his/ their true feelings. For example, I could ask the question "Do you want to stop the war in Iraq so the lives of innocent civilians can be spared?" Virtually every American wants to prevent innocent loss of life, so many respondents may answer yes to this question, even if they think the war is morally just. But reporters summarizing the results may say "...95 percent of respondents answered yes when asked if they wanted to stop the war".**

**No Solvency – Process Manipulation**

[ ]

**[ ] Independently, elite manipulation of the referendum process destroys direct democracy.****Martin, 1996**

(Brian, Democracy without Elections, Social Anarchism, Number 21, 1995-96, pp. 18-51.)

In practice, referendums have been only supplements to a policy process based on elected representatives. But it is possible to conceive of a vast expansion of the use of referendums, especially by use of computer technology [14]. Some exponents propose a future in which each household television system is hooked up with equipment for direct electronic voting. The case for and against a referendum proposal would be broadcast, followed by a mass vote. What could be more democratic? Unfortunately there are some serious flaws in such proposals. These go deeper than the problems of media manipulation, involvement by big-spending vested interests, and the worries by experts and elites that the public will be irresponsible in direct voting. **A major problem is the setting of the agenda for the referendum. Who decides the questions? Who decides what material is broadcast for and against a particular question? Who decides the wider context of voting? The fundamental issue concerning setting of the agenda is not simply bias. It is a question of participation. Participation in decision-making means not just voting on predesigned questions, but participation in the formulation of which questions are put to a vote.** This is something which is not easy to organise when a million people are involved, even with the latest electronics. It is a basic limitation of referendums. The key to this limitation of referendums is the presentation of a single choice to a large number of voters. **Even when some citizens are involved in developing the question, as in the cases of referendums based on the process of citizen initiative, most people have no chance to be involved in more than a yes-no capacity.** The opportunity to recast the question in the light of discussion is not available.

## No Solvency – Delays

[ ]

[ ] Direct democracy causes overwhelming delays.

**Maduz, 2010**

(Linda, University of Zurich, Center for International and Comparative Studies, Direct Democracy, Living Reviews in Democracy, <http://democracy.livingreviews.org/index.php/lrd/article/viewFile/lrd-2010-1/21>)

Studies concluding that direct democracy has an overall beneficial effect on a country's economy are challenged by scholars, such as Borner and Rentsch (1997) whose research focuses on direct democracy's effects on economic growth. **According to their theoretical argumentation and empirical findings, direct democratic instruments compromise the conditions that allow an economy to grow successfully. The existence of a direct democratic system would have a negative impact on a country's capacity to innovate and to adapt to changing circumstances; it would give interest groups the power to slow down reform processes and** may even enable them to **render a coherent and consistent strategy impossible.** In this perspective, direct democracy is presented as a danger for stable, foreseeable framework conditions. **The primacy of popular sovereignty would lead to arbitrariness in state actions, and hinder the political system in the setting of clear priorities. The uncertainty related to such a political system would also negatively impact on a country's external relations – another factor** considered to be **vital for the prosperity of a country's economy.** As a particularly striking example in this context Borner and Rentsch cite Switzerland's rejection of entering the European Economic Area in 1992, which, according to them, can be traced back to the country's institutional setting, i.e. Switzerland's direct democratic system.

**No Solvency – Rollback**

[ ]

**[ ] Binding referendums are unconstitutional and will be rolled-back.****Duvivier, 2006**

(KK, assoc. prof. @ Univ. of Denver College of Law, THE UNITED STATES AS A DEMOCRATIC IDEAL? INTERNATIONAL LESSONS IN REFERENDUM DEMOCRACY, Legal Research Paper Series, Working Paper No. 07-13, <http://ssrn.com/abstract=960319>)

A. Constitutional Prohibitions Against Binding Referendums **A system that would permit citizens to pass binding referendums would not pass constitutional muster absent an amendment to the Constitution.** The Constitution provides no express mechanism for these types of initiatives. Such an approach also conflicts directly with the method of government ensconced in the Constitution.<sup>302</sup> To become law, both the House and the Senate must pass proposed legislation, and the President must sign it into law. A mandatory referendum presumably would bypass this process and circumvent congressional and presidential approval. **Past efforts to “end-run” the President’s power to veto legislation have not fared well.** In *INS v. Chadha*,<sup>303</sup> the United States Supreme Court declared that unilateral action by the House of Representatives could not invalidate decisions by the Executive Branch.<sup>304</sup> Such a “one-House veto” is unconstitutional, the Court reasoned, because “the prescription for legislative action in Art. I, §§ 1, 7, represents the Framers’ decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.”<sup>305</sup> **Similarly, the Supreme Court has invalidated efforts to diminish Congress’s role in the legislative process.** In *Clinton v. New York*,<sup>306</sup> the Supreme Court concluded that the Line Item Veto had the “legal and practical effect” of allowing the President to repeal portions of legislation without following the constitutional procedure of vetoing an entire bill.<sup>307</sup> Consequently, the Court concluded “that the Act’s cancellation provisions violate Article I, § 7, of the Constitution.”<sup>308</sup> Also, because the Line Item Veto Act does not follow “the ‘finely wrought’ procedure commanded by the Constitution,” the Court did not find it necessary to address “the District Court’s alternative holding that the Act ‘impermissibly disrupts the balance of powers among the three branches of government.’”<sup>309</sup> **A mandatory citizen referendum, therefore, likely would meet the same fate at the hands of the U.S. Supreme Court.** To the extent such a referendum mandated the adoption of legislation and sidestepped both Congress and the President, *Chadha* and *Clinton* strongly indicate such a measure would not survive constitutional scrutiny.

## No Solvency – Experts Key

[ ] Only experts have the capability to understand rapidly changing technology relevant to surveillance and understand intelligence gathering and law enforcement missions with a comprehensive background.

### Clarke et al., 2013

(Richard A. Clarke, former National Coordinator for Security, Infrastructure Protection, and Counterterrorism for the United States; Michael J. Morell, former deputy director of the Central Intelligence Agency, serving as acting director twice in 2011 and from 2012-2013; Geoffrey R. Stone, American law professor at U Chicago's Law School and noted First Amendment scholar.; Cass R. Sunstein, American legal scholar, particularly in the fields of constitutional law, administrative law, environmental law, and law and behavioral economics; Peter Swire, Nancy J. and Lawrence P. Huang Professor in the Scheller College of Business at the Georgia Institute of Technology and internationally recognized expert in privacy law; Report and Recommendations of The President's Review Group on Intelligence and Communications Technologies; "Liberty and Security in a Changing World" pg 120-121; 12/12/2013; accessed 07/07/2015)

We recommend that the government should commission a study of the **legal and policy options** for assessing the distinction between metadata and other types of information. The study **should include technological experts and persons with a diverse range of perspectives, including experts about the missions of intelligence and law enforcement agencies and about privacy and civil liberties.** Are there any circumstances in which the government should be permitted to collect and retain meta-data in which it could not collect and retain other information? One question concerns the meaning of "metadata." In the telephony context, "meta-data" refers to technical information about the phone numbers, routing information, duration of the call, time of the call, and so forth. It does not include information about the contents of the call. In the e-mail context, "meta-data" refers to the "to" and "from" lines in the e-mail and technical details about the e-mail, but not the subject line or the content. **The assumption** behind the argument that meta-data is meaningfully different from other information **is that the collection of meta-data does not seriously invade individual privacy.** As we have seen, **however, that assumption is questionable. In a world of ever more complex technology, it is increasingly unclear whether the distinction between "meta-data" and other information carries much weight.**<sup>120</sup> The quantity and variety of meta-data have increased. In contrast to the telephone call records at issue in the 1979 case of *Smith v. Maryland*,<sup>121</sup> today's mobile phone calls create meta-data about a person's location. Social networks provide constant updates about who is communicating with whom, and that information is considered meta-data rather than content. E-mails, texts, voice-over-IP calls, and other forms of electronic communication have multiplied. For Internet communications in general, the shift to the IPv6 protocol is well under way. When complete, web communications will include roughly 200 data fields, in addition to the underlying content. **Although the legal system has been slow to catch up with these major changes in meta-data, it may well be that, as a practical matter, the distinction itself should be discarded. The question about how to govern content and meta-data merits further study. Such a study should draw on the insights of technologists, due to the central role of changing technology.** Economists and other social scientists should help assess the costs and benefits of alternative approaches. **The study should include diverse persons,** with a range of perspectives **about the mission of intelligence and law enforcement agencies and also with expertise with respect to privacy and civil liberties.**

## No Solvency – No Direct Democracy

No direct democracy: Party politics will keep getting stuck.

### Cox, 2012

(William John, retired police officer, prosecutor, public interest lawyer, author and political activist, A Peaceful Political Evolution, <http://thevoters.org>)

**As effective as a national referendum may be to establish government policy, little good will come of it unless those we elect are forced to pay attention to our interests and to actually carry out our policies. As it is, presidential candidates say one thing and do another to the extent they believe they can get away with it, and because of party politics, we keep getting stuck with having to decide upon the lesser of two evils.**

No direct democracy: Low voter turnout will kill direct democracy.

### Landow, 2011

(Charles, associate director of the Civil Society, Markets, and Democracy Initiative at the Council on Foreign Relations, Direct Democracy and Its Dangers, <http://www.cfr.org/democracy-and-human-rights/direct-democracy-its-dangers/p23763>)

But **popular policymaking has significant drawbacks.** First, **an initiative said to be approved by "the people" might well be approved by only a small percentage.** The recent Swiss initiative on expelling criminals, for example, passed with 52.9 percent of the vote in a referendum with 52.6 percent turnout. Of course, the same thing happens in elections, and **this is a serious shortcoming** -- but **it is all the more damaging for popular referendums given the common assumption that direct democracy conveys the people's views.**

No direct democracy: Barriers in meeting the needs of everyone

### Hendriks, 2009

(Carolyn M., Crawford School of Economics and Government @ Australia National University, Securing public legitimacy for long-term energy reforms, PUBLIC POLICY NETWORK CONFERENCE THE AUSTRALIAN NATIONAL UNIVERSITY, CANBERRA 29-30 JANUARY)

These proposals offer useful options for how to improve the legitimacy (and accountability) of governing long term energy reforms. **There are, however, some particular challenges with these 'democratic solutions', most notably the difficulties in determining and incorporating the views of those potentially affected by policies,** such as future generations. Further, when there are varying degrees of affectedness, should those most affected have more say, and if so, who determines degree of affectedness? **Perhaps the most serious limitation of these democratic strategies is their feasibility in any given policy context.** In my empirical work of the Netherlands I have found that **it is often the discursive barriers that influence the extent to which democratic matters are taken into consideration in energy reforms, for example negative ideas on the public's capacity and willingness to engage in policy issues.**

## No Solvency – No Intrinsic Benefit

[ ]

[ ] Direct democracy has no intrinsic benefit. Democratic participation cannot be separated from a larger assessment of aggregate consequences.

### **Budge, 1996**

(Ian, Prof @ U. of Essex, The New Challenge of Direct Democracy, p. 34)

Proponents of participation on the other hand have tended to feel that once the moral case for it was made - and it is, probably, unanswerable - this was all they had to do. **But in a multi-valued world where stability, order and justice might be argued to be the first concerns of the State, the effects of unlimited participation on these and other values have to be weighed up.** This is what critics of direct democracy have done when they have ventured beyond their opening feasibility gambit. And they have a point. **If participation, however valuable in itself, has negative effects on other values, then it may need to be limited to secure a balance of benefits.** Whether this is in fact the case we shall see in the following chapters.

**No Solvency – Not Allowed**

[ ]

[ ] No legal precedent – current legislation doesn't allow for national referenda in the United States, so the negative argument is unfair.

**Steinberg and Freely, 2005**

(Austin J. Freely, Suffolk University, attorney who focuses on criminal and civil rights law; David L. Steinberg, University of Miami director of debate, former president of CEDA, AFA and NCA officer, lecturer in communication studies and rhetoric; advisor to Miami Urban Debate League; "Argumentation and Debate: Critical Thinking for Reasoned Decisionmaking" pg 271; 13th Edition, Wadsworth; 2005; accessed 07/05/2015; <<https://books.google.com/books?id=CC6urxsG4H4C&pg=PR10&dq=argumentation%20and%20debate%20critical%20thinking%20for%20reasoned%20decisionmaking&pg=PA1#v=onepage&q&f=false>>.)

4. Counterplans and Fiat. **It is** generally (but not universally) **accepted that negatives have some ability to assume fiat for implementation of their counterplans.** One approach to negative fiat is to assume that **it is reciprocal: If the affirmative can fiat federal government action, so can the negative.** Another is to assume that the negative's fiat ground is based in alternative agents: If the affirmative uses the federal government, the negative can use the states or the United Nations. Remember that **fiat is not a magic wand,** that **fiat must assume some normal means of implementation,** and that one cannot fiat workability. **It's a voter – no way the affirmative can prepare to debate a counterplan with no literature base. Predictability is the only way we can ensure debates with sufficient clash for in depth education**



## Solvency Turn – Capitalism

[ ]

[ ] Referendums cede power to rich political elites who control the issue more than they could in representative democracy.

**Magleby 1998**

(David B. Magleby; professor of Political Science at Brigham University; "Ballot Initiatives and Intergovernmental Relations in the United States" pg 148-149; The State of American Federalism Vol 28 No 1; Winter 1998; accessed 07/01/2015; <http://mavdisk.mnsu.edu/parsnk/2011-12/Pol680-fall11/POL%20680%20readings/direct%20democracy-%20wk%209/ballot%20initiatives.pdf>)

Compared to agenda-setting in other contexts, the initiative empowers those who use the process to take their issue directly to the voters of the locality or state. The opportunity to bypass the institutions of representative democracy is seen by those who use the process as an advantage. Direct legislation is often faster than the legislative process, and **the proponents of the issue control the wording** of the issue. Agenda-setting by initiative means that **proponents need to meet the minimum signature requirement which**, in most states, **requires** either **a large number of highly motivated volunteers or ample funds to hire signature collectors**. Since there is difficulty qualifying for the ballot, **the initiative is less and less a grass-roots phenomenon and more and more dominated by large and well organized interests**. While the authors of initiatives control the wording of their propositions, the campaign serves to define what the issue means for voters. **Initiative campaigns are largely fought in** thirty- and sixty-second **commercials using attention-getting advertisements that motivate people either to care** about a problem and vote for the proposition, **or to create doubts about the initiative and scare voters into voting "no."**<sup>5</sup> Not surprisingly, the issue as defined by the opponents is not at all what the proponents desire or intended. **Well organized and well-funded opposition campaigns win about two-thirds of the time.**<sup>6</sup> **Agenda-setting and campaign management** in initiatives **is** thus **primarily organized by elites** but must involve mass audiences in qualifying for the ballot and winning on election day. **The mass-politics side of initiatives is largely carried out by paid consultants and organized by elites.** As the process has become more visible and more central to the politics of a dozen or more states, an initiative industry that specializes in such services as petition circulation, polling, media management, direct mail, and legal advice has grown accordingly.<sup>7</sup> Those who use this tool include citizens who can link their concerns to other organized groups like the sponsors of recent California initiatives on immigration and affirmative action, governors or legislators who want to take their issue directly to the voters or enhance their own standing, and interest groups.

## Solvency Turn – Poverty

[ ] Violence, crime, and poverty are decreasing as democracy grows worldwide.

## Jose, 2014

(Coleen Jose, multimedia journalist and documentary photographer based in New York City writing on international news and U.S. foreign policy; "Good news: The world is becoming more democratic than ever"; Mic; 11/04/2014; accessed 07/06/2015; <http://mic.com/articles/103294/good-news-the-world-is-becoming-more-democratic-than-ever>)

Evidence also shows we are becoming less violent and more tolerant, and poverty around the world is declining. The conclusions seem far-fetched considering the daily news of airstrikes, natural disasters and images of loss from the conflict in Iraq, Syria or the Central African Republic, but Roser argues that kind of thinking is far too micro in what is a very macro discussion. "It is not possible to understand how the world is changing by following the daily news," Roser wrote. "Disasters happen in an instant, but progress is a slow process that does not make the headlines." In the past 200 years of governmental changes, democracies have grown dramatically. Democracy is contagious and brings about more democracy because it is very successful," Roser told Mic. "Thinking about the future, maybe the most promising development is that the young generation around world is much better educated than before." Why is the world becoming more democratic? As the narrative and pattern of history has shown — from the French Revolution to the Arab Spring — a common grievance of the masses can topple autocratic rule. One of the catalysts for the spike in democratic regimes is growing economic inequality. In nondemocratic societies, the poor are excluded from political power, but pose a revolutionary threat, especially during periods of crisis," wrote political scientists Daren Acemoglu and James A. Robinson. "The rich will try to prevent revolution by making concessions to the poor, for example, in the form of income redistribution," yet the elite can also resist and in doing so create an environment for their downfall. The latest example of the death knell for one autocratic rule unraveled in Burkina Faso last week. A similar pattern of inequality was observed when the West African country's President Blaise Compaoré attempted to amend the constitution to extend his 27-year rule, and tens of thousands of Burkinabé protested across the country in response. Another factor leading up to resistance is simply one's ability to purchase food. Data scientists at the New England Complex Systems Institute presented examples when high food prices led to mass uprising, Mic reported. Yaneer Bar-Yam of the NECSI "charted the rise of the Food and Agriculture Organization Food Price Index — a UN measure that maps food costs over time — and saw that whenever that figure rose above 210, riots broke out around the world." Bar-Yam's hypothesis became reality during the 2008 economic collapse and the Tunisian protests in 2011. He also predicted the Arab Spring weeks before it reached a tipping point in Egypt. But almost no matter what the causes are, more democracy across the world is undoubtedly a good thing. "Taking all these and more long-run trends into account paints a very positive picture of how the world is changing," Roser told Mic. If you look at this over the long run, then we see the change from a world where everyone but a few enlightenment thinkers thought that democracy is impossible to a world in which half the world population lives in democracies." Talk about change we can believe in.

# **Foucault Kritik**

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## Summary (1/2)

The Foucault Kritik is based off of the work of Michel Foucault and his contemporaries, primarily from his work called Discipline and Punish: The Birth of the Prison. Foucault was a French philosopher who pioneered postmodern theories of the relationship between power and knowledge, and how they are used together as a form of social control through institutions. Think back hundreds of years ago. When someone broke a law, they were locked up until their trial, and then publicly tortured or executed. Nowadays, we lock people up in an institution where all they do every day is follow a highly-regimented schedule or routine. Why and how did this change occur?

This is the question that Foucault sought to answer in his book. Foucault delves into the changes that happened to Western penal systems during the transition to the modern, industrial age. He argues that before the transition, when public tortures and executions were commonly handed down by a sovereign power, the act of torture took on almost a military characteristic. Foucault argued that the person being tortured to death wasn't a criminal, but an enemy of the country, and that the crime they committed was more akin to a declaration of war against the sovereign ruler. In that perspective, the sovereign doesn't use this display of torture to punish the criminal, but rather as a means of defeating the enemy. By extension, the torture and execution of the enemy was a method for the sovereign to demonstrate her power as protector of the realm.

But you can't demonstrate your power to someone if no one is watching. The problem was that as more and more people were publicly executed as part of this ritual, it became more and more clear to the people watching that the sovereign's power therefore depended on the participation of the people. In fact, the sovereign held no power over the people if the spectacle of the public torture and execution did not renew that power in the minds of the people. Simply put, if the people did not watch, the sovereign could not hold power over them. This problem led to a reformation of the process for dealing with criminals, and eventually led to the creation of the modern prison. However, there were some steps in between.

The first was a step towards punishment. Instead of public torture and execution, the early 1900s gave way to chain gangs, or groups of prisoners chained up together. This was a "gentler" form of punishment, but still was useful for demonstrating power to the public, as everyone could see these chain gangs as they were forced to work in public. Instead of one large demonstration, chain gangs served as persistent demonstrations that forced the public to reflect on the crime committed. While the public spectacle of this was less and less effective, the fact that these chain gangs were useful for work continued to evolve. This is the beginning of the next step: discipline.

Foucault defines discipline as "the technology deployed to make individuals behave, to be efficient and productive workers". This is reflected in the beginning of the industrial age, the age of factories and efficient production. When previously humans worked as artisans, farmers, hunters, etc., now humans needed a new body suited for work in factories. This is the ontology of "man as machine." Each person has been disciplined to become a perfect part of the assembly line, working at the same task in the name of efficient production. And in order to discipline people, there needed to be disciplinary institutions.

## Summary (2/2)

For Foucault, the Panopticon of Jeremy Bentham was the ultimate vision of a modern disciplinary institution. The Panopticon is an architectural design of a prison, where prisoners are all arranged on the sides in cells, and a central tower that can see all cells could be staffed by very few prison wardens. In this vision of a prison, the prisoners could not see the wardens, and the wardens obviously could not observe every cell at once. However, because the inmates cannot tell if they are being watched or not, they must act as if they are constantly being watched. Foucault loved this analogy, since it demonstrates discipline in action. The prisoners here self-regulate and change their behavior without any actual intervention by the wardens, all because of how the institution is structured around the idea of perceived surveillance.

Foucault then argues that the modern prison is part of a larger disciplinary network of institutions. He names other disciplinary institutions: schools, military bases, hospitals, and factories, all of which create a panoptic society for the included members. In this manner, everyone is disciplined into a specific “disciplinary career”. Where schools are the institution that discipline you into members of a functioning workplace institution, the delinquents are sent instead to the prison, where they are subject to further disciplinary measures. In short, discipline trains the actions of the bodies of humans.

For Foucault, this eventually evolved into what he calls biopower. Where disciplinary power was the technology designed to regulate individuals in society, biopower was the technology designed to manage whole populations. It’s very similar to disciplinary power, and incorporates many aspects. The key difference is that while disciplinary power regulates the actions of the individual, biopower regulates the life and death of the entire population. That is, biopower is the power to manage life itself. Even more insidiously, it is power to control what people believe about the value of life and the purpose of life.

Our Kritik’s main author, Henry Giroux, is a scholar who focuses on youth studies, education, and learning. He invokes Foucault’s teachings in the context of surveillance. He argues that surveillance is another tool in the larger disciplinary network that specifically uses biopower to control what people believe to be true about their lives. The idea is that if the state can surveil everyone, then it can better use biopower to control people. He criticizes the emergence of what he calls the “surveillance state”, where surveillance of people’s lives is considered so normal that no one even tries to reject it.

The Kritik argues that the Affirmative team’s rejection of one small instance of surveillance still feeds into the larger surveillance apparatus, since it is not a wholesale rejection of surveillance. If the fundamental assumption made by the Affirmative team is that some surveillance is acceptable and some is not, then surveillance as a tool has been “normalized”. For Giroux, this is what will lead to the surveillance state, and ultimately, the loss of the meaning of life itself, for the state will provide one for you.

For more on Henry Giroux: <https://www.youtube.com/watch?v=ZgxJJFFYpF4>

For more on Discipline and Punish: <https://www.youtube.com/watch?v=2PCol1ffUWM>

## Glossary (1/2)

**Acculturation** – The process of cultural change and psychological change that results following the meeting of cultures.

**Accumulation** – The acquisition or gradual gathering of something.

**Biopower** – A technology which appeared in the late eighteenth century for managing populations. It incorporates certain aspects of disciplinary power. If disciplinary power is about training the actions of bodies, biopower is about managing the births, deaths, reproduction and illnesses of a population.

**Capital** – Goods that can be used in the production of other goods that are made by humans, in contrast to "land," which refers to naturally occurring resources such as geographical locations and minerals. It is not used up immediately in the process of production, unlike raw materials or intermediate goods.

**Carcinogen** – Any substance, radionuclide, or radiation that is an agent directly involved in causing cancer.

**COINTELPRO** – A series of covert, and at times illegal, projects conducted by the United States Federal Bureau of Investigation (FBI) aimed at surveilling, infiltrating, discrediting, and disrupting domestic political organizations.

**Commodification** – The transformation of goods and services, as well as ideas or other entities that normally may not be considered goods, into a commodity, or something that can be bought and sold.

**Discipline** – A mechanism of power which regulates the behavior of individuals in the social body. This is done by regulating the organization of space (architecture etc.), of time (timetables) and people's activity and behavior (drills, posture, movement). It is enforced with the aid of complex systems of surveillance. Foucault emphasizes that power is not discipline, rather discipline is simply one way in which power can be exercised.

**Exclusion** – The examination of the situation of people existing on the margins of society is one of the mainstays of Foucault's work. His analysis focuses on the 'negative structures' of society or excluded groups, as opposed to more traditional approaches which focus on the mainstream.

**Imperialism** – a policy of extending a country's power and influence through colonization, annexation, use of military force, or other means.

**Institution** - A society or organization that is utilized by the state in a way of freezing particular relations of power so that a certain number of people are advantaged.

**Liberalism** – A political ideology, a branch of liberalism which advocates civil liberties and political freedom with representative democracy under the rule of law and emphasizes economic freedom.

**Necropolitics** – The relationship between sovereignty and power over life and death.

## Glossary (2/2)

**Nihilism** – A philosophical doctrine that suggests the negation of one or more reputedly meaningful aspects of life.

**Normalization** – The process of making “normal”.

**Normative** – Establishing, relating to, or deriving from a standard or norm, especially of behavior.

**Ontology** – The philosophical study of the nature of being, becoming, existence, or reality, as well as the basic categories of being and their relations. Traditionally listed as a part of the major branch of philosophy known as metaphysics, ontology deals with questions concerning what entities exist or may be said to exist, and how such entities may be grouped, related within a hierarchy, and subdivided according to similarities and differences.

**Orwellian** – An adjective describing the situation, idea, or societal condition that George Orwell identified as being destructive to the welfare of a free and open society. It denotes an attitude and a brutal policy of draconian control by propaganda, surveillance, misinformation, denial of truth, and manipulation of the past, including the "unperson" – a person whose past existence is expunged from the public record and memory, practiced by modern repressive governments. Often, this includes the circumstances depicted in his novels, particularly *1984*.

**Panopticon** – A design for a prison produced by Jeremy Bentham in the late eighteenth century which grouped cells around a central viewing tower. Although the prison was never actually built the idea was used as a model for numerous institutions including some prisons. Foucault uses this as a metaphor for the operation of power and surveillance in contemporary society.

**Politicization** – The act of transforming something outside of the realm of politics into something inside the realm of politics.

**Punishment** – A manifestation of the power of the sovereign.

**Security** – The concept that a government should protect the state and its citizens against all kinds of "national" crises through a variety of power projections, such as political power, diplomacy, economic power, military might, and so on.

**Sovereign** - The ruler, whose law is an extension of the ruler's body itself.

**Totalitarianism** – A political system in which the state holds total control over the society and seeks to control all aspects of public and private life wherever possible.



## 1NC Shell (1/3)

**A. Link – The Affirmative’s attempt to restrain the government surveillance state only causes corporate surveillance to fill in. Surveillance then becomes a normal part of our lives.**

**Giroux, 2014**

(Henry A., Global TV Network Chair Professor at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professor at Ryerson University, “Totalitarian Paranoia in the Post-Orwellian Surveillance State,” Truthout, 10 February 2014, <http://www.truthout.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>)

Yet **the most important transgression may** not only **be** happening through the unwarranted watching, listening and collecting of information but also in **a culture that normalizes surveillance** by upping the pleasure quotient and enticements for consumers who use the new digital technologies and social networks to simulate false notions of community and to socialize young people into a culture of security and commodification in which their identities, values and desires are inextricably tied to a culture of private addictions, self-help and commodification. Surveillance feeds on the related notions of fear and delusion. Authoritarianism in its contemporary manifestations, as evidenced so grippingly in Orwell's text, no longer depends on the raw displays of power but instead has become omniscient in a culture of control in which the most cherished notions of agency collapse into unabashed narcissistic exhibitions and confessions of the self, serving as willing fodder for the spying state. **The self has become not simply the subject of surveillance but a willing participant and object.** Operating off the assumption that some individuals will not willingly turn their private lives over to the spying state and corporations, the NSA and other intelligence agencies work hard to create a turnkey authoritarian state in which the "electronic self" becomes public property. **Every space is now enclosed within the purview of an authoritarian society that attempts to govern the entirety of social life.** As Jonathan Schell points out: Thanks to Snowden, we also know that unknown volumes of like information are being extracted from Internet and computer companies, including Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube and Apple. The first thing to note about these data is that a mere generation ago, they did not exist. They are a new power in our midst, flowing from new technology, waiting to be picked up; and power, as always, creates temptation, especially for the already powerful. Our cellphones track our whereabouts. Our communications pass through centralized servers and are saved and kept for a potential eternity in storage banks, from which they can be recovered and examined. Our purchases and contacts and illnesses and entertainments are tracked and agglomerated. If we are arrested, even our DNA can be taken and stored by the state. Today, **alongside each one of us, there exists a second, electronic self,** created in part by us, in part by others. **This other self has become de facto public property, owned chiefly by immense data-crunching corporations,** which use it for commercial purposes. **Now government is reaching its hand into those corporations for its own purposes, creating a brand-new domain of the state-corporate complex.**<sup>8</sup> Social cynicism and societal indifference accelerate a broken culture in which reason has been replaced by consumer-fed hallucinatory hopes.<sup>9</sup> **Surveillance and its accompanying culture of fear now produce subjects that revel in being watched, turning the practice** if not the threat posed by surveillance **into just another condition for performing the self. Every human act and behavior is now potential fodder for YouTube, Facebook or some other social network.** Privacy has become a curse, an impediment that subverts the endless public display of the self. Zygmunt Bauman echoes this sentiment in arguing that: **These days, it is not so much the possibility of a betrayal or violation of privacy that frightens us, but the opposite: shutting down the exits.**

## 1NC Shell (2/3)

**B. Impact – This is a nihilistic violent enterprise that destroys value to life and is the root cause to endless warfare.**

**Evans and Reid, 2013**

(Brad, Senior Lecturer in International Relations at the University of Bristol, and Julian, “Dangerously exposed: the life and death of the resilient subject,” *Resilience*, 2013, Vol. 1 (2), pp. 83-98)

**Liberalism**, as we have both explored extensively elsewhere, **is a security project**.<sup>11</sup> From its outset, it has been **concerned with seeking answers to the problem of how to secure itself as a regime of governance through the provision of security to the life of populations subject to it**.<sup>12</sup> **It will**, however, **always be an incomplete project because** its biopolitical foundations are flawed; **life is not securable. It is a multiplicity of antagonisms and for some life to be made to live, some other life has to be made to die**.<sup>13</sup> That is a fundamental law of life which is biologically understood. This is the deep paradox that undercuts the entire liberal project while inciting it to govern ever more and ever better, becoming more inclusive and more assiduous at the provision of security to life, while learning how better to take life and make die that which falls outside and threatens the boundaries of its territories. Liberal regimes, in essence and from the outset, thrive on the insecurities of life which their capacity to provide security to provides the source of their legitimacy, becoming ever more adept at the taking of life which the provision of security to life requires.<sup>14</sup> **It is no accident that the most advanced liberal democracy in the world today, the United States of America, is also the most heavily armed state** in the world. And not just the most heavily armed state today, but also the most heavily armed **in human history. Liberal regimes** do not and **cannot accept the realities of this paradox**. Which is why, far from being exhausted, the liberal project remains and has to be, in order for it to be true to its mission, distinctly transformative. Not only of the world in general and **hence its endless resorts to war and violence to weed out those unruly lives that are the source of insecurity to the life that is the font of its security**, but also, and yet more fundamentally, of the human subject itself; for this is a paradox which plays out, not just territorially, socially or between individuals, but within the diffuse and ultimately unknowable domain of human subjectivity itself. The liberal subject is divided and has to be in order to fulfil its mission, critically astute at discerning the distinctions within its own life between that which accords with the demands made of it in order to accord with liberal ways of living and those which do not comply with its biopolitical ambitions.<sup>15</sup> Being divided means the liberal subject will always be incomplete, needing work, critical, insecure and mistrustful of itself for the purpose of its own self-improvement. The liberal subject is a project; one that renders life itself a project, subject to an endless task of critique and self-becoming, from cradle to grave. Sadly, many still find the concept of life appealing and even utopian. We are taught to think that we ought to choose life over emptiness or negation, Renton’s law.<sup>16</sup> In fact, it is the source of the world’s greatest nihilisms. Liberalism too is and has always been a nihilism. Perhaps **it is the greatest of all nihilisms**. In giving us over to life, **it gives us no ends to live for but the endless work on the self that contemporarily permeate our ways of living devoid of any meaning as such**.

## 1NC Shell (3/3)

**C. Alternative – The politics of dissent channels progressive politics towards massive collective struggle. Ours is the educational narrative that is needed to disrupt these normative constructions of acceptance—a key try-or-die moment for challenging corporate technocracy.**

**Giroux, 2014**

(Henry A., Global TV Network Chair Professor at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professor at Ryerson University, "Totalitarian Paranoia in the Post-Orwellian Surveillance State," Truthout, 10 February 2014, <http://www.truthout.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>)

Governments that elevate lawlessness to one of the highest principles of social order reproduce and legitimate violence as an acceptable mode of action throughout a society. Violence in American society has become its heartbeat and nervous system, paralyzing ideology, policy and governance, if not the very idea of politics. Under such circumstances, the corporate and surveillance state become symptomatic of a form of tyranny and authoritarianism that has corrupted and disavowed the ideals and reality of a substantive democracy. **Dissent is crucial to any viable notion of democracy and provides a powerful counterforce to the dystopian imagination that has descended like a plague on American society; but dissent is not enough.** In a time of surging authoritarianism, **it is crucial for everyone to find the courage to translate critique into the building of popular movements dedicated to making education central to any viable notion of politics. This is a politics that does the difficult work of assembling critical formative cultures by developing alternative media, educational organizations, cultural apparatuses, infrastructures and new sites through which to address the range of injustices plaguing the United States and the forces that reproduce them.** The rise of cultures of surveillance along with the defunding of public and higher education, the attack on the welfare state and the militarization of everyday life can be addressed in ways that not only allow people to see how such issues are interrelated to casino capitalism and the racial-security state but also what it might mean to make such issues meaningful to make them critical and transformative. As Charlie Derber has written, "How to express possibilities and convey them authentically and persuasively seems crucially important" if any viable notion of resistance is to take place.<sup>80</sup> **Nothing will change unless the left and progressives take seriously the subjective underpinnings of oppression in the United States. The power of the imagination, dissent, and the willingness to hold power accountable constitute a major threat to authoritarian regimes. Snowden's disclosures made clear that the authoritarian state is deeply fearful of those intellectuals, critics, journalists and others who dare to question authority, expose the crimes of corrupt politicians and question the carcinogenic nature of a corporate state that has hijacked democracy.** This is most evident in the insults and patriotic gore heaped on Manning and Snowden.

## Link – Catastrophic Images

[ ] The Affirmative's descriptions of catastrophe create a spectacle that leads to widespread political apathy and the conditions for self-enforced surveillance.

### Giroux, 2014

(Henry A., Global TV Network Chair Professor at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professor at Ryerson University, "Totalitarian Paranoia in the Post-Orwellian Surveillance State," Truthout, 10 February 2014, <http://www.truthout.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>)

**The neoliberal authoritarian culture of modernity also has created a social order in which surveillance becomes self-generated, aided by a public pedagogy produced and circulated through a machinery of consumption that encourages transforming dreams into data bits.**

Such bits then move from the sphere of entertainment to the deadly serious and integrated spheres of capital accumulation and policing as they are collected and sold to business and government agencies who track the populace for either commercial purposes or for fear of a possible threat to the social order and its established institutions of power. Absorbed in privatized orbits of consumption, commodification and display, **Americans vicariously participate in the toxic pleasures of consumer culture, relentlessly entertained by the spectacle of violence** in which, as David Graeber, suggests, the police "become the almost obsessive objects of imaginative identification in popular culture ... watching movies or viewing TV shows that invite them to look at the world from a police point of view."<sup>39</sup> It is worth repeating that Orwell's vision of surveillance and the totalitarian state looks tame next to the emergence of a corporate-private-state surveillance system that wants to tap into every conceivable mode of communication, collect endless amounts of metadata to be stored in vast intelligence storage sites around the country and use those data to repress any vestige of dissent.<sup>40</sup> Whistle-blowers are not only punished by the government; their lives are turned upside down in the process by private surveillance agencies and major corporations who increasingly work in tandem. These institutions share information with the government and do their own spying and damage control. For instance, Bank of America assembled 15 to 20 bank officials and retained the law firm of Hunton & Williams to devise various schemes to attack WikiLeaks and Glenn Greenwald, who they thought was about to release damaging information about the bank.<sup>41</sup> **Some of the most dreadful consequences of neoliberal modernity and cultures of surveillance include the elimination of those public spheres capable of educating the public to hold power accountable**, and the dissolution of all social bonds that entail a sense of responsibility toward others. In this instance, **politics has** not only become dysfunctional and corrupt in the face of massive inequalities in wealth and power, it also has **been emptied of any substantive meaning**. Government not only has fallen into the hands of the elite and right-wing extremists, it has embraced a mode of lawlessness evident in forms of foreign and domestic terrorism that undercuts the obligations of citizenship, justice and morality. **As surveillance and fear become a constant condition of American society, there is a growing indifference, if not distaste, for politics among large segments of the population**. This distaste is **purposely manufactured by the ongoing operations of political repression against intellectuals, artists, nonviolent protesters and journalists on the left and right**. Increasingly, as such populations engage in dissent and the free flow of ideas, whether online or offline, they are considered dangerous to the state and become subject to the mechanizations of a massive security apparatuses designed to monitor, control and punish dissenting populations.

## Link – Economy

[ ] Administration of biopolitical economic order requires threat inflation and subversion—results in greater overall violence.

**Neocleous, 2008**

(Mark, Professor of Government at the University of Brunel, Critique of Security, p, 95-8)

In the second half of the twentieth century this ability to ‘batter down all Chinese walls’ would still rest heavily on the logic of capital, but would also come about in part under the guise of security. The whole world became a garden to be cultivated – to be recast according to the logic of security. In the space of fifteen years the concept **‘economic security’ had moved from connoting insurance policies for working people to the desire to shape the world in a capitalist fashion – and back again.** In fact, it has **constantly shifted between these registers** ever since, being used for the constant reshaping of world order and **resulting in a comprehensive level of intervention and policing all over the globe. Global order has come to be fabricated and administered according to a security doctrine underpinned by the logic of capital accumulation and a bourgeois conception of order. By incorporating within it a particular vision of economic order, the concept of national security implies** the interrelatedness of **so many different social, economic, political and military factors that more or less any development anywhere can be said to impact on liberal order in general** and America’s core interests in particular. Not only could bourgeois Europe be recast around the regime of capital, but so too could the whole international order as capital not only nestled, settled and established connections, but also ‘secured’ everywhere. **Security politics thereby became the basis of a distinctly liberal philosophy of global ‘intervention’, fusing global issues of economic management with domestic policy formations in an ambitious and frequently violent strategy.** Here lies the Janus-faced character of American foreign policy.<sup>103</sup> **One face is the ‘good liberal cop’: friendly, prosperous and democratic,** sending money and help around the globe when problems emerge, so that the world’s nations are shown how they can alleviate their misery and perhaps even enjoy some prosperity. **The other face is the ‘bad liberal cop’: should one of these nations decide,** either through parliamentary procedure, demands for self-determination or violent revolution **to address its own social problems in ways that conflict with the interests of capital and the bourgeois concept of liberty, then the authoritarian dimension of liberalism shows its face; the ‘liberal moment’ becomes the moment of violence.** This Janus-faced character has meant that through the mandate of security the US, as the national security state par excellence, has seen fit to either overtly or covertly re-order the affairs of myriads of nations – those ‘rogue’ or ‘outlaw’ states on the ‘wrong side of history’.

## Link – PRISM

[ ] Corporate data surveillance and government collusion fills in for PRISM -- that turns the aff and widens the panoptic gaze of the surveillance state.

## Sullivan, 2013

(John L., Associate Professor of Media and Communication at Muhlenberg College in Allentown, PA, "Uncovering the data panopticon: The urgent need for critical scholarship in an era of corporate and government surveillance," *Political Economy of Communication* Vol 1, No 2 (2013), <http://polecom.org/index.php/polecom/article/view/23/192>)

**Building upon Foucault's (1995) seminal analysis of disciplinary systems in society**, Gandy argued that **the scale of the data collection** and analysis performed by government **and corporate institutions created a panopticon wherein citizen actions would eventually become circumscribed within an ever-widening net of personal data surveillance. The end result**, he observed, **is "an antidemocratic system of control that cannot be transformed because it can serve no purpose other than that for which it was designed—the rationalization and control of human existence"** (Gandy, 1993: 227). We've come a long way since 1993. Who could have imagined services like Facebook, Twitter, and Tumblr that not only encourage, but actively incentivize the voluntary dissemination of personal information online? Over the past 20 years, the centrality of the internet to the global communications infrastructure has made it a target for the type of panoptic sorting that Gandy described. **Now that the world knows about PRISM, it is tempting to imagine that enhanced public scrutiny will effectively limit these programs. I don't think that is likely.** In fact, there are four specific **trends** that **foretell a greater expansion of the data panopticon: convergence and the central place of software** in social, commercial and political systems; the growing importance of metadata for routing, storage and sorting of information; **the global business of data storage and retrieval**; the **blurring of lines between corporate and government data mining**. The convergence of digital technologies and the importance of software in the previous era of analog technologies, such as wired telephones and reel-to-reel tapes, **each specific technology had a limited range of capabilities alongside a specific set of legal standards** to accompany their use. The Wiretap Act of 1968, for example, prohibits law enforcement from wiretapping telephones without a court order because doing so would violate the 4th Amendment protections of both the suspect and anyone that communicates with them. **Today, there are few discrete technologies anymore.** Thanks to technological convergence, **almost all forms of communication today utilize some form of digital communication**, and many do this via the Internet. Software has now replaced specific forms of communication hardware as the nexus for new types of digital communication, from Skype and FaceTime to emails and tweets. Creating legal precedents for protecting individual privacy throughout this myriad of new options has been difficult. Indeed, new options are emerging all the time, and software is extremely fungible in functionality as it adapts quickly to new situations and uses. **We lack a coherent legal regime to counteract the interception of these communications.** For example, Skype phone calls can be protected under the existing federal wiretap laws, but emails and text messages cannot.

## Link – Race-Based Surveillance

[ ] “Cultural” profiling fills in as a euphemism for race – racial biases continue absent the alt’s galvanization of mass change.

### Wade, 2015

(Peter, Professor of Anthropology at the University of Manchester, “Racism and liberalism: the dynamics of inclusion and exclusion,” *Ethnic and Racial Studies*, Volume 38, Issue 8, 2015)

**In the literature on racism, the broad change, since the Second World War, towards the erasure of explicit discourses about racial difference has been widely noted.** The story is that with the crumbling of a scientific consensus about the biological basis of racial difference and inequality, and with a global reaction against the Nazi racism that changed the image of eugenics from that of a progressive and rational movement for social change to that of an odious instrument of biopolitical aggression, it became increasingly difficult to explicitly use a discourse about race in the public sphere. In fact, some countries continue to use an explicit discourse of race – for example, Britain’s Race Relations Act, or the census and other official enumeration categories of race in the USA and Brazil – but these are deployed in the interests of the post-war hegemonic ideology, that is, anti-racism. The rationale is that, in order to combat racial inequality, it is necessary to measure it and thus to count by racial category. Sometimes in this process, the word ethnicity is used instead of race, thus blurring the explicit presence of a racial discourse, while clearly referring to categories previously named as racial. Meanwhile, it is widely argued that **racial thinking and racist ideologies and practices continue, despite the widespread public denial of race as an acceptable mode of discourse** (Goldberg 2008; Lentin and Titley 2011). This argument often refers to cultural racism – in which reference to biological differences are submerged or replaced by reference to cultural attributes, which serve to differentiate categories of people that look very similar to the categories of older, more explicitly racial discourses; **culture may also be essentialized and naturalized (even biologized) in ways that also blur the difference between cultural and biological modes of reference.** A key feature here, noted by various commentators (Stolcke 1995; Miles and Brown 2003), is a discourse about how people naturally prefer to ‘be with their own kind’. The notion of ‘kind’ in this discourse is superficially and convincingly defined in terms of culture – people feeling comfortable with others who share their language, practices, values, beliefs, and so on. However, (1) such a proclivity is said to be a natural human tendency (hardwired in by evolution in sociobiological versions of the argument), thus bringing biology into the equation; and (2) if people do want to ‘stick with their own’, then they will also want to breed with them, which tends to make biology and culture overlap: kinship is a key domain in which ideas about biocultural difference are reproduced (Wade 2002). **Arguments adducing the persistence of racism locate it at different levels. It may be identified in the practices of the state, for example in racial profiling practices – secret and explicitly racial, or open and euphemized as ‘cultural’ – aimed at monitoring ‘security’;** or in the idea that British immigration policy after 1950 actively sought to restrict the entry of New Commonwealth (i.e. non-white) immigrants, without mentioning race. Racism may also be identified in the everyday practices of ordinary citizens, most obviously those of a far-right persuasion, but also many who are just ‘doing the best for their families’, when they avoid certain schools and areas, or when they just prefer to ‘stick to their own’. These two levels can come together in the identification of ‘institutional racism’, when the everyday prejudices of state agents (e.g. police ‘canteen culture’) drive practices such as racial profiling, independently of official policy. What we are faced with here is a sea change towards anti-racism and the silencing of race, alongside the persistence of differentiations and discriminations of a racial character (Winant 2004). **This deep-seated tension is not unusual. It is a reflection of the tension in liberalism between ideals of equality and, not just the simple existence of inequality, but the way people also actively maintain that inequality, defending what they have or want to have against others seen as competitors, as less deserving, or as a threat.** Practices of inclusion always coexist with practices of exclusion in changing ways and with a shifting balance between them: the task of the historian and the social scientist is to identify how these practices operate and interweave.

## AT: Link Turn – Law Protects

[\_\_\_] Even with micro-successes, the law fails to thwart the surveillance apparatus as even new rights create new threats.

Krasmann, 2012

(Susanne, Institute for Criminological Research, University of Hamburg, “Law’s knowledge: On the susceptibility and resistance of legal practices to security matters” *Theoretical Criminology* 16 (4) p. 380-382)

However, **just as legal norms and principles are open to interpretation, they do not determine any normative orientations underlying the interpretative process.** As Benjamin Gould and Liorna Lazarus (2007b: 11; see also Poole, 2008: 16) observe: **‘[P]re-emptive measures designed to increase security can never be truly objective or divorced from our political concerns and values.’** Typical for the acknowledgement of competing claims still to be weighed (Zedner, 2005: 508), **therefore**, is that **they end up being couched in a rather appealing rhetoric** (‘we should’, ‘judges should’). In a liberal vein, this requires a resorting to the least intrusive measures. **Competing claims are thus relegated to the normative framework of balance** (see Waldron, 2003; Zedner, 2005: 528). **As regards the empirical observations, there is, first, a move in security legislation that is noticeable in western countries in which the threshold of governmental intervention has been gradually disposed in order to forestall actual offences, concrete suspicion and danger.** 9/11 may be regarded as a catalyst here, as well as the fight against terrorism in general. But rather than being recent phenomena, **these transformations in fact represent a continuity over decades in the identification of ever new dimensions of threats**, from sexual offenders and organized crime right up to transnational terrorism.<sup>4</sup> Although a tendency can be discerned, this is not to suggest that there have not been any disruptions to it. **Civil and human rights organizations have time and again countered these developments, and so have higher-court rulings. Even new basic rights have been established.**<sup>5</sup> **Though successful, these processes were unable to thwart the general trend of making private space accessible to surveillance in a way that would have been unimaginable decades ago. In this sense, paradoxically, new basic rights are rather indicators of new spaces of vulnerability.** A closer look at higher courts’ decisions on security legislation and additional recommendations by human rights bodies suggests that these lead to the amendment of the laws in question but not necessarily to a change in practice. **‘For, as law becomes ever more closely intertwined with a proliferating assemblage of expertise, risk consulting, administration, and discretion, it inhabits an inescapable paradox’**, as Louise Amoore (2008: 849) neatly put it. Law for civil and human rights activists and lawyers is the very medium for challenging governmental encroachment, and, notably, the ‘rule of law’ represents the very principle to be defended. **Under review**, however, **law encounters its own legislation—the modes of risk management it once itself authorized, and that will now have to be amended in accordance not only with the principles of the rule of law but also with the identified necessities of security government.**



## AT: Link Turn – Reforms Work

[\_\_] Refuse technical debates about reforms in favor of subjecting 1ac’s discourse to rigorous democratic scrutiny.

## Rana, 2012

(Aziz, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417)

But this mode of popular involvement comes at a key cost. **Secret information** is generally treated as worthy of a higher status than information already present in the public realm—the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed,<sup>197</sup> its status as secret masks these problems and **allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism**; it also means that security judgments may be more ‘Hobbesian’—marked fundamentally by epistemological uncertainty as opposed to verifiable fact—than policymakers admit. If the objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that **the central problem with the procedural solutions offered by constitutional scholars-emphasizing new statutory frameworks or greater judicial assertiveness-is that they mistake a question of politics for one of law**. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. **To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants**-danger too complex for the average citizen to comprehend independently-**it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise**. Thus, **any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest**. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that it remains unclear which popular base exists in society to raise these questions. Unless such a base fully emerges, we can expect our prevailing security arrangements to become ever more entrenched.

**AT: No Impact – No Endless Warfare**

[ ] The impact is a biopolitical protection of life itself, the violent imposition of liberalism that perpetuates structural violence, racism, and global civil war.

**Evans, 2010**

(Brad Evans, Lecturer in the School of Politics and International Studies at the University of Leeds and Programme Director for International Relations, "Foucault's Legacy: Security, War, and Violence in the 21st Century," Security Dialogue vol.41, no. 4, August 2010, pg. 422-424)

Imposing liberalism has often come at a price. That price has tended to be a continuous recourse to war. While the militarism associated with liberal internationalization has already received scholarly attention (Howard, 2008), **Foucault was concerned more with the continuation of war once peace has been declared.**<sup>4</sup> Denouncing the illusion that 'we are living in a world in which order and peace have been restored' (Foucault, 2003: 53), **he set out to disrupt the neat distinctions between times of war/military exceptionalism and times of peace/civic normality.** War accordingly now appears to condition the type of peace that follows. None have been more ambitious in mapping out this war–peace continuum than Michael Dillon & Julian Reid (2009). Their 'liberal war' thesis provides a provocative insight into the lethality of making live. **Liberalism today**, they argue, **is underwritten by the unreserved righteousness of its mission. Hence, while there may still be populations that exist beyond the liberal pale, it is now taken that they should be included. With 'liberal peace' therefore predicated on the pacification/elimination of all forms of political difference in order that liberalism might meet its own moral and political objectives, the more peace is commanded, the more war is declared in order to achieve it: 'In proclaiming peace . . . liberals are nonetheless committed also to making war.'** This is the 'martial face of liberal power' that, contrary to the familiar narrative, is 'directly fueled by the universal and pacific ambitions for which liberalism is to be admired' (Dillon & Reid, 2009: 2). Liberalism thus stands accused here of universalizing war in its pursuit of peace: However much liberalism abjures war, indeed finds the instrumental use of war, especially, a scandal, war has always been as instrumental to liberals as to geopolitical thinkers. In that very attempt to instrumentalize, indeed universalize, war in the pursuit of its own global project of emancipation, the practice of liberal rule itself becomes profoundly shaped by war. However much it may proclaim liberal peace and freedom, its own allied commitment to war subverts the very peace and freedoms it proclaims (Dillon & Reid, 2009: 7). While Dillon & Reid's thesis only makes veiled reference to the onto-- theological dimension, they are fully aware that its rule depends upon a certain religiosity in the sense that **war has now been turned into a veritable human crusade with only two possible outcomes: 'endless war or the transformation of other societies and cultures into liberal societies and cultures'** (Dillon & Reid, 2009: 5). Endless war is underwritten here by a new set of problems. Unlike Clausewitzian confrontations, which at least provided the strategic comforts of clear demarcations (them/us, war/peace, citizen/soldier, and so on), **these wars no longer benefit from the possibility of scoring outright victory, retreating, or achieving a lasting negotiated peace by means of political compromise.** Indeed, **deprived of the prospect of defining enmity in advance, war itself becomes just as complex, dynamic, adaptive and radically interconnected as the world of which it is part.** That is why 'any such war to end war becomes a war without end. . . . **The project of removing war from the life of the species becomes a lethal and, in principle, continuous and unending process'**.

**AT: Impact Turn – Surveillance Liberates**

[\_\_] **The Panopticon only benefits those who have been normalized. Like with imperialism, the Affirmative’s regulation of the surveillance state animates the necropolitical slaughter of the global periphery.**

**Comaroff and Comaroff, 2007**

(John Comaroff, Professor of African and African American Studies and of Anthropology, Oppenheimer Fellow in African Studies at Harvard, and Jean Comaroff, Professor of African and African American Studies and of Anthropology, Oppenheimer Fellow in African Studies also at Harvard, “Law and disorder in the postcolony,” *Social Anthropology/Anthropologie Sociale* (2007) 15, pg. 144)

Nor is it just the politics of the present that are being judicialised. As we said earlier, the past, too, is being fought out in the courts. Britain, for example, is currently being sued for acts of atrocity in its African empire (Anderson 2005; Elkins 2005): for having killed local leaders, unlawfully alienated territory from one African people to another, and so on.<sup>33</sup> By these means is colonialism itself rendered criminal. Hauled before a judge, history is made to submit to the scales of justice at the behest of those who suffered it. And to be reduced to a cash equivalent, payable as the official tender of damage, dispossession, loss, trauma. **What imperialism is being indicted for, above all, is its commission of lawfare: the use of its own penal codes, its administrative procedures, its states of emergency, its charters and mandates and warrants, to discipline its subjects by means of violence made legible and legal by its own sovereign word.** Also, to commit its own ever-so-civilised forms of kleptocracy. Lawfare – the resort to legal instruments, to the violence inherent in the law, to commit acts of political coercion, even erasure (Comaroff 2001) – is equally marked in postcolonies. **As a species of political displacement, it becomes most visible when those who ‘serve’ the state conjure with legalities to act against its citizens. Most infamous recently is Zimbabwe, where the Mugabe regime has consistently passed laws to justify the coercive silencing of its critics.** Operation Murambatsvina, ‘Drive Out Trash’, which has forced political opponents out of urban areas under the banner of ‘slum clearance’ – has recently taken this practice to unprecedented depths. Murambatsvina, says the government, is merely an application of the law of the land to raze dangerous ‘illegal structures’. **Lawfare may be limited or it may reduce people to ‘bare life’; in Zimbabwe, it has mutated into a necropolitics with a rising body count. But it always seeks to launder visceral power in a wash of legitimacy as it is deployed to strengthen the sinews of state or enlarge the capillaries of capital.** Hence Benjamin’s (1978) thesis that **the law originates in violence and lives by violent means; that the legal and the lethal animate one another.** Of course, in 1919 Benjamin could not have envisaged the possibility that lawfare might also be a weapon of the weak, turning authority back on itself by commissioning courts to make claims for resources, recognition, voice, integrity, sovereignty.

**AT: Existence Outweighs Value to Life**

**[\_\_] Robbing individuals of meaning to life and rendering them superfluous is worse than death because it destroys existence altogether.**

**Hayden, 2010**

(Patrick Hayden,, School of International Relations, University of St. Andrews, February 2010, HUMAN RIGHTS REVIEW Volume 11, Number 4, 451-467, February 2010, DOI: 10.1007/s12142-010-0157-8, The Relevance of Hannah Arendt's Reflections on Evil: Globalization and Rightlessness)

Arendt was drawn to formulate the notion of human superfluousness by the “chain of catastrophes touched off by the First World War” culminating “in the actual event of totalitarian domination” (1968a, 27). However, the novelty introduced by “the structure and conditions of the twentieth century,” which Arendt insists constitute the “horizon of experience” for the world after the Final Solution, is that “killing is far from the worst that man can inflict on man” (1968a, 127). The **evils that can be visited upon human beings involve not only murder but more significantly the widespread and thoughtless treatment of certain persons “as if they no longer existed, as if what happened to them were no longer of any interest to anybody, as if they were already dead” (2004, 574). Killing people is not the primary issue; generating and perpetuating human superfluousness as a normal condition of the socio-political order is.** To forestall any misunderstanding, Arendt is not suggesting that the mass killing of human beings carried out by the Nazi (or any other) genocide is not evil. What she is suggesting, however, is that the *meaning* of this atrocity is located in the experiential space opened up between the actual killing itself and the preparatory dehumanization carried out independently of it. How can we make sense of the moral and political distinction between murder on the one hand and exclusion from humanity on the other? More than murder itself, which Arendt regards as “a limited evil” (2004, 570), **the deprivation of human status that excludes superfluous persons from a common world is the most terrifying possibility we can now too easily imagine. Whereas murder destroys a life, superfluity destroys reality, “the fact of existence itself” (2004, 571).**

## AT: War Outweighs Structural Violence

[ ] Everyday violence must be prioritized – it is the largest proximate cause of war and creates priming that psychologically structures the worst atrocities.

### Scheper-Hughes and Bourgois, 2004

(Nancy and Philippe, Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). **Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities.** More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. **The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder.** We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, **it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times.** Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Wacquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. **These are “invisible” genocides not because they are secreted away or hidden from view, but** quite the opposite. As Wittgenstein observed, **the things that are hardest to perceive are those which are right before our**

**eyes and therefore taken for granted.** In this regard, Bourdieu's partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of "normal" social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression. Similarly, Basaglia's notion of "peacetime crimes" - *crimini di pace* - imagines a direct relationship between wartime and peacetime violence. **Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematically and dramatically in the extreme context of war.** Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on "illegal aliens" versus the US government- engineered genocide in 1938, known as the Cherokee "Trail of Tears." Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal "stability" is purchased with the currency of peacetime crimes, many of which take the form of professionally applied "strangle-holds." Everyday forms of state violence during peacetime make a certain kind of domestic "peace" possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the "normative" socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). **In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible** (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonalization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin's view of late modern history as a chronic "state of emergency" (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other "total institutions." **Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people.** There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to "pseudo- speciation" as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremarkable peacetimes that precede the sudden, "seemingly unintelligible" outbreaks of mass violence.

**AT: No Alternative – Abstract Movements Fail**

[ ] The world is in a constant state of change – proper theorization is necessary to mobilize effective counter-discourses that can combat liberalism.

**Guillaume and Der Derian, 2010**

(Laura, PhD in International Politics from Aberystwyth University, and James, Michael Hintze Chair of International Security Studies and Director of the Centre for International Security Studies and Research Professor of International Studies at Brown University, “Revolutionizing Virtual War: An Interview with James Der Derian,” *Theory & Event* 13:2, 2010)

This means that **the world order**, to the extent we can even call it such, **is permanently becoming different**, and, pace Foucault, that this century, the twenty-first, might well become known as Deleuzian. A premium will be placed on how quickly we will adapt to de-territorialized global events, networked accidents, and the other in your face with every 24/7 global news cycle. On how easily we will feel at home rather than seek refuge from the singularities of world politics that appear as paradoxes, synchronicities, feedback, white noise, phase shifts, spatio-temporal rifts, and, not least, dreams. On how easily technologies, especially those in the service of war, can actualize the worst as well as the best possibility. Or how important, when observation (let alone participation) can actualize an event, reflexivity and responsibility becomes. **This all comes with a hard-earned caveat. We need to recognize that such open-ended attitudes often produce defensive actions in others and even inactivity** in oneself; or as William Connolly once told me, ‘a little vertigo is a good thing but a lot can turn you into a zombie.’ Back to the undead! The social sciences—more so than the latest theories in the physical sciences—are least comfortable with these free-floating ideas of spatio-temporal rifts where simulacra reverses causality, being is simultaneously here and there, and identity is deterritorialized by interconnectivity. It’s easy to theorize but how to live in this interzone, where critical ethical interventions routinely precede the retrieval of facts (empirical or social) and technical media constitute new virtual states of meaning and being? Obviously, both war and peace still need approaches that study what actually happened (realism) and what needs to be changed (idealism). But what Deleuze teaches us is how **world politics is also in need of virtual approaches that explore how reality is seen, framed, read, and generated in the conceptualisation and actualisation of the global event.** I understand why **this kind of talk makes many traditional scholars of international politics nervous.** I have witnessed firsthand the displacement of global contingency as an unease or even anger toward the messenger rather than the mess itself. **Identifying conditions of relativism and nihilism is not the same as advocating them; but that does not stop critics of Deleuze et al from disparaging them as ‘cultural relativists’ or ‘nihilists.’** I’ve taken a few licks like this, and not matter how often you repudiate the shoddy thinking behind it, you know there will always be more to come. I have also witnessed how the narcissism of petty differences among social critics can lead to radically impossible prescriptions. This makes me reluctant to offer any of my own as universally applicable across differing historical epochs and political circumstances.

**AT: No Alternative – Rejections of the Law Leads to Abuse**

[ ]

[ ] Believing that hides the problems inherent in the law itself. The law is not immune from abuse.

**Schlag, 2009**

(Pierre, Byron R. White Professor of Law and Former Associate Dean for Research, University of Colorado Law School, "ESSAY AND RESPONSE: Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)," March, 2009, Georgetown Law Journal, 97 Geo. L.J. 803)

G. WHY THINGS WILL GET WORSE Two things: Personnel and Institutionalization. Personnel. Well, enough on that subject. Institutionalization. **Ironically, it is at this very moment--the moment when legal scholarship seems so thoroughly compromised--that law schools have decided, seemingly en masse, to intensify the monitoring of scholarly quality and quantity as well as to enforce scholarly output maximization strategies.** Law faculties and administration are all increasingly heavily invested in mentoring, career positioning, SSRN download rates, citation indices, article placement strategies, blog announcements, and glossy scholarship advertising. It's all a kind of massive "no law professor left behind" scheme. **All these techniques and strategies are ways in which law professors and law schools can all watch each other with great ease and in great detail. The important part is not so much the watching, but rather that we all know we are being watched. It's as if we,** who are responsible for all this (and this would seem to be nearly all of us), **had read Foucault's account of the panopticon and [\*831] decided it was way cool and that we should institute our own version as soon as possible. The upshot sadly is that, at the very moment** (1) **that some terribly unenlightening paradigms are holding sway over legal scholarship, we also have** (2) **a radical intensification of quantity and quality control mechanisms.** For my part, I believe **it would vastly improve matters if at least one of those two things were not happening.** Things will get worse. On the cheery side, one can always count on (1) the contributions of exogenous forces and (2) the fact that Malthus was and still is wrong.



**AT: No Alternative – Rejecting Reformism Causes Global Violence**

[ ] The biopolitical imperative to secure life, in any instance, through the prevention of war by liberal means, powers a global war machine that exponentially expands in lethality.

**Evans and Hardt 10**

(Brad, lecturer in the School of Politics and International Studies at the University of Leeds, Michael, Professor of Literature and Italian at Duke University, “Barbarians to Savages: Liberal War Inside and Out,” *Theory & Event* 13:2, 2010)

Liberal Peace is thus challenged, not on the basis of its abstract claims to universality—juridical or otherwise, but precisely because its global imaginary shows a remarkable capacity to wage war—by whatever means—in order to govern all species life. This is not, then, to be confused with some militaristic appropriation of the democratic body politic—a situation in which Liberal value systems have been completely undermined by the onslaught of the military mind. More revealing, it exposes the intricate workings of a Liberal rationality whose ultimate pursuit is global political dominance. Traces of this account can no doubt be found in Michael Ignatieff’s (completely sympathetic) book *Empire Lite*, which notes how the gradual confluence between the humanitarian and the military has resulted in the onset of an ostensibly humanitarian empire that is less concerned with territory (although the State no doubt still figures) than it is with governing life itself for its own protection and betterment. **Liberalism as such is considered here (à la Foucault) to be a technology of government or a means for strategising power which taking life to be its object** feels compelled to wager the destiny of humanity against its own political strategy. **Liberalism can therefore be said to betray a particularly novel strategic field in which the writing of threat assumes both planetary (macro-specific) and human (micro-specific) ascriptions.** Although it should be noted that **it is only through giving the utmost priority to life itself—working to secure life from each and every threats** posed to an otherwise progressive existence, **that its global imaginary could ever hold sway.** No coincidence then that the dominant strategic paradigm for Liberals is Global Human Security. What could therefore be termed **the Liberal problematic of security of course registers as a Liberal bio-politics of security, which in the process of promoting certain forms of life equally demands a re-conceptualisation of war in the sense that not every life lives up to productive expectations, let alone shows its compliance.** In a number of crucial ways, this approach offers both a theoretical and empirical challenge to the familiar IR scripts which have tended to either valorise Liberalism’s visionary potential or simply castigate its misguided idealism. Perhaps the most important of these is to insist upon a rewriting of the history of Liberalism from the perspective of war. Admittedly, there is much work to be done here. Not least, there is a need to show with greater historical depth, critical purpose, and intellectual rigour how Liberal war (both externally and internally) has subsequently informed its juridical commitments and not vice versa. Here I am invariably provoking the well-rehearsed “Laws of War” sermon, which I believe more accurately should be rephrased to be the “Wars of Law”. Nevertheless, despite this pressing need to rewrite the Liberal encounter in language whose familiarity would be capable of penetrating the rather conservative but equally esoteric/specialist field of International Relations, sufficient contemporary grounds already exist which enable us to provide a challenging account of global civil war from the perspective of Liberal bio-political rule. Michael Dillon and Julian Reid’s *The Liberal Way of War* encapsulates these sentiments, with the following abridged passage worth quoting: **A bio-political discourse of species existence is also a bio-political discourse of species endangerment.** As a form of rule whose referent object is that of species existence, the liberal way of rule is simultaneously also a problematisation of **fear and danger involving threats to the peace and prosperity of the species.** Hence **its allied need**, in the pursuing the peace and prosperity of the species, **to make war on whatever threatens it. That is the reason why liberal peacemaking is lethal.** Its violence a necessary corollary of the aporetic character of its mission to foster the peace and prosperity of the species... There is, then, a martial face to liberal peace. The liberal way of rule is contoured by the liberal way of war.

# **Foucault Kritik Affirmative**

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## **Summary**

The Affirmative strategy against the Foucault Kritik should engage with the core of the criticism. The Kritik says that anything short of full rejection of the surveillance state allows the normalization of surveillance in society, which inevitably leads to the fulfillment of the surveillance state. There are inherent issues with this logic that can be exploited by the Affirmative team.

First, the Affirmative can contend that the law and reforms have historically worked to broaden protections of human rights, and while there have been instances where the law was used to restrict human rights, the general trend is in the other direction. This refocuses the debate towards the comparative analysis of empiricism and philosophical reasoning, and shifts the Negative towards having to make more empirically-supported arguments.

Second, the Affirmative can attack the supposed harms of the surveillance state. Surely there must be benefits to living in a safer society. Another area to focus on is the fact that surveillance gives the state the ability to abuse its power, but that doesn't prove the state will abuse its power. Refocus the debate so that the Negative has to prove that the state will abuse its power, and the Affirmative should be able to easily weigh the risk of the case solving for tangible harms against the low risk that the state will abuse surveillance powers.

Third, the Affirmative should challenge the alternative presented by the Kritik. If nothing short of total rejection of the surveillance state is necessary to combat it, then any acceptance of it by the Negative also robs them of victory. In addition, question whether a total rejection is even possible. Finally, try to see if there are any reasons why a total rejection of the state could also lead to other problems that are even worse.

## Glossary (1/2)

**Acculturation** – The process of cultural change and psychological change that results following meeting between cultures.

**Accumulation** – The acquisition or gradual gathering of something.

**Biopower** – A technology which appeared in the late eighteenth century for managing populations. It incorporates certain aspects of disciplinary power. If disciplinary power is about training the actions of bodies, biopower is about managing the births, deaths, reproduction and illnesses of a population.

**Capital** – Goods that can be used in the production of other goods that are made by humans, in contrast to "land," which refers to naturally occurring resources such as geographical locations and minerals. It is not used up immediately in the process of production, unlike raw materials or intermediate goods.

**Carcinogen** – Any substance, radionuclide, or radiation that is an agent directly involved in causing cancer.

**COINTELPRO** – A series of covert, and at times illegal, projects conducted by the United States Federal Bureau of Investigation (FBI) aimed at surveilling, infiltrating, discrediting, and disrupting domestic political organizations.

**Commodification** – The transformation of goods and services, as well as ideas or other entities that normally may not be considered goods, into a commodity, or something that can be bought and sold.

**Discipline** – A mechanism of power which regulates the behavior of individuals in the social body. This is done by regulating the organization of space (architecture etc.), of time (timetables) and people's activity and behavior (drills, posture, movement). It is enforced with the aid of complex systems of surveillance. Foucault emphasizes that power is not discipline, rather discipline is simply one way in which power can be exercised.

**Exclusion** – The examination of the situation of people existing on the margins of society is one of the mainstays of Foucault's work. His analysis focuses on the 'negative structures' of society or excluded groups, as opposed to more traditional approaches which focus on the mainstream.

**Imperialism** – a policy of extending a country's power and influence through colonization, annexation, use of military force, or other means.

**Institution** - A society or organization that are utilized by the state in a way of freezing particular relations of power so that a certain number of people are advantaged.

**Liberalism** – A political ideology, a branch of liberalism which advocates civil liberties and political freedom with representative democracy under the rule of law and emphasizes economic freedom.

**Necropolitics** – The relationship between sovereignty and power over life and death.

## Glossary (2/2)

**Nihilism** – A philosophical doctrine that suggests the negation of one or more reputedly meaningful aspects of life.

**Normalization** – The process of making “normal”.

**Normative** – Establishing, relating to, or deriving from a standard or norm, especially of behavior.

**Ontology** – The philosophical study of the nature of being, becoming, existence, or reality, as well as the basic categories of being and their relations. Traditionally listed as a part of the major branch of philosophy known as metaphysics, ontology deals with questions concerning what entities exist or may be said to exist, and how such entities may be grouped, related within a hierarchy, and subdivided according to similarities and differences.

**Orwellian** – An adjective describing the situation, idea, or societal condition that George Orwell identified as being destructive to the welfare of a free and open society. It denotes an attitude and a brutal policy of draconian control by propaganda, surveillance, misinformation, denial of truth, and manipulation of the past, including the "unperson" – a person whose past existence is expunged from the public record and memory, practiced by modern repressive governments. Often, this includes the circumstances depicted in his novels, particularly *1984*.

**Panopticon** – A design for a prison produced by Jeremy Bentham in the late eighteenth century which grouped cells around a central viewing tower. Although the prison was never actually built the idea was used as a model for numerous institutions including some prisons. Foucault uses this as a metaphor for the operation of power and surveillance in contemporary society.

**Politicization** – The act of transforming something outside of the realm of politics into something inside the realm of politics.

**Security** – The concept that a government should protect the state and its citizens against all kind of "national" crises through a variety of power projections, such as political power, diplomacy, economic power, military might, and so on.

**Totalitarianism** – A political system in which the state holds total control over the society and seeks to control all aspects of public and private life wherever possible.

## Permutation – Do the Plan and the Alternative

[ ] Permutation – do the plan and implement the alternative. If implementing the plan can still be a good idea even with some failures, the perm enables transformative potential.

### Nunes, 2012

(Reclaiming the political: Emancipation and critique in security studies, João Nunes, Security Dialogue 2012 43: 345, Politics and International Studies, University of Warwick, UK, p. sage publications)

This tendency in the literature is problematic for the critique of security in at least three ways. First, it constitutes a blind spot in the effort of politicization. The assumption of an exclusionary, totalizing or violent logic of security can be seen as an essentialization and a moment of closure. To be faithful to itself, the politicization of security would need to recognize that there is nothing natural or necessary about security – and that security as a paradigm of thought or a register of meaning is also a construction that depends upon its reproduction and performance through practice. **The exclusionary and violent meanings that have been attached to security are themselves the result of social and historical processes, and can thus be changed.** Second, **the institution of this apolitical realm runs counter to the purposes of critique** by foreclosing an engagement with the different ways in which security may be constructed. As Matt McDonald (2012) has argued, because **security means different things for different people, one must always understand it in context.** **Assuming from the start that security implies the narrowing of choice and the empowerment of an elite forecloses the acknowledgment of security claims that may seek to achieve exactly the opposite: alternative possibilities** in an already narrow debate **and the contestation of elite power.**<sup>5</sup> In connection to this, the claims to insecurity put forward by individuals and groups run the risk of being neglected if the desire to be more secure is identified with a compulsion towards totalization, and if aspirations to a life with a degree of predictability are identified with violence. Finally, **this tendency blunts critical security studies as a resource for practical politics. By overlooking the possibility of reconsidering security from within** – opting instead for its replacement with other ideals – the critical field weakens its capacity to confront head-on the exceptionalist connotations that security has acquired in policymaking circles. **Critical scholars** run the risk of playing into this agenda when they **tie security to** exclusionary and **violent practices, thereby failing to question security actors as they take those views for granted and act as if they were inevitable.** Overall, security is just too important – both as a concept and as a political instrument – to be simply abandoned by critical scholars. As McDonald (2012: 163) has put it, If security is politically powerful, is the foundation of political legitimacy for a range of actors, and involves the articulation of our core values and the means of their protection, we cannot afford to allow dominant discourses of security to be confused with the essence of security itself. In sum, the trajectory that critical security studies has taken in recent years has significant limitations. The politicization of security has made extraordinary progress in problematizing predominant security ideas and practices; however, it has paradoxically resulted in a depoliticization of the meaning of security itself. By **foreclosing the possibility of alternative notions of security,** this imbalanced politicization **weakens the analytical capacity of critical security studies, undermines its ability to function as a political resource and runs the risk of being politically counterproductive.** Seeking to address these limitations, the next section revisits emancipatory understandings of security.

## Link Turn – Law Protects

[ ]

[ ] Foucault's conception of power within the law is outdated---law now protects subjects from state coercion.

**Smith, 2000**

(Carole, Professor of Social Policy and Social Work at Univ of Manchester, "The sovereign state v Foucault: law and disciplinary power", The Editorial Board of The Sociological Review, p. 291-2)

Foucault's analysis has much to offer in terms of his creative and radical thinking about the nature of power, the relationship between power and knowledge, the role of disciplinary power as it works to regulate the subject from without and to constrain the subject from within, and forms of modern government. The rise of liberal democracy, the thrust of welfare policy, government by administrative regulation and the enormous influence of expert knowledge and therapeutic intervention (Giddens. 1991; Rose. 1990; Miller and Rose. 1994) have all had an impact on law and operations of the juridical field. I would argue, however, that **Foucault's characterisation of law, in the context of the modern liberal state, does not reflect our everyday experience of the means through which power and government are exercised.** Similarly, the role played by expert knowledge and discursive power relations in Foucault's conceptualisation of modernity, such that law is fated to justify its operations by 'perpetual reference to something other than itself\* and to 'be redefined by knowledge' (Foucault, 1991: 22), does not accord with the world of mundane practice. In their sympathetic critique of his work. Hunt and Wickham (1998) point to the way in which **Foucault's treatment of sovereignty and law** must necessarily **lead him to neglect two related possibilities. First, that law may effectively re-define forms of disciplinary power in its own terms and second, that law and legal rights may act to protect the subject from the coercive influence of such power.** Reported **judgments on sterilisation and caesarean interventions, without consent, show how law can achieve both of these reversals of power. They also demonstrate law's ability to turn the 'normalizing gaze', as the production of expert knowledge, back upon the normative behaviour of experts themselves.**



## Link Turn – Reforms Work

[ ]

[ ] Reformism is effective and brings revolutionary change closer rather than pushing it away.

**Delgado 2009**

(Richard, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association's Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado's teaching and writing focus on race, the legal profession, and social change, 2009, "Does Critical Legal Studies Have What Minorities Want, Arguing about Law", p. 588-590)

2. The CLS critique of piecemeal reform **Critical scholars reject the idea of piecemeal reform.** Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Critics believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure. "To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to find rationality and order in the case law, and teach in an unabashedly political fashion. **The CLS critique of piecemeal reform is familiar, imperialistic and wrong.** Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. **The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now,** unless there is evidence for that possibility. The Critics do not offer such evidence. **Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants' union meeting in their heated living room.** CLS scholars' critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want.

**No Impact – No Endless Warfare**

[ ] There is no risk of endless warfare.

**Gray 2007**

(Colin, Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute, July 2007, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. **In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly.** Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But **we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security.** One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. **Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means.** This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is not at all convincing. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. **It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option.** Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. **It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, must be nothing if not pragmatic.**

**No Impact – Panopticon Overly Paranoid**

[ ]

[ ] **Don't be paranoid. The Panopticon isn't omnipresent or destructive—video cameras aren't the end of the world.**

**Simon, 2014**

(William H., Professor of Law at Columbia University - Law School, October 2014, "In Defense of the Panopticon," Columbia Public Law Research Paper No. 14-412, Stanford Public Law Working Paper No. 2492211, <https://www.google.com/search?q=william+h.+simon&ie=utf-8&oe=utf-8>)

In urban areas, most people's activity outdoors and in the common spaces of buildings is recorded most of the time. **Surveillance cameras are everywhere.** When people move around, their paths are registered on building access cards or subway fare cards or automobile toll devices. Their telephone and e-mail communications, internet searches, and movements are tracked by telephone companies and other intermediaries. All their **credit card transactions** – which for many people, means nearly all of their transactions -- **are documented by time, place, and substance.** The health system extracts and records detailed information about their psychic and bodily functions. Anyone arrested, and many who fear arrest, in the criminal justice system typically surrender a variety of personal information and often have to submit to ongoing monitoring. Even within the home, water and energy consumption is monitored, and some people choose to install cameras to monitor children or protect against burglars. **To many people, this society looks like the Panopticon** – a prison designed as a circular tower so that the inmates can be easily observed by a centrally located authority figure. Jeremy Bentham originated the Panopticon idea as a low-cost form of subjugation for convicted criminals. Michel Foucault adopted it as a metaphor for what he regarded as the insidiously pervasive forms of social control in contemporary society. To him, schools, hospitals, workplaces, and government agencies all engaged in repressive forms of surveillance analogous to the Panopticon. **In the United States, paranoid political style has been associated traditionally with the right and the less educated.** But Foucault helped make it attractive to liberal intellectuals. His contribution was largely a matter of style. **Foucault** was the most moralistic of social theorists, but he **purported to disdain** morality ("**normativity**") **and refused to acknowledge,** much less defend, **the moral implications of his arguments.** He gave intellectual respectability to the three principal tropes of the paranoid style. First, there is the idea of guilt by association. **The resemblance between some feature of a strikingly cruel or crackpot regime of the past or in fiction** (especially in 1984) **and a more ambiguous contemporary one is emphasized in order to condemn the latter.** Thus, the elaborate individualized calibration of tortures in 18th and 19th century penology is used to make us feel uncomfortable about the graduated responses to noncompliance in contemporary drug treatment courts. **Orwell's image of television cameras transmitting images from inside the home to the political police is used to induce anxiety about devices that monitor electricity usage so that the hot water tank will re-heat during off-peak hours.**

## Impact Turn – Surveillance Liberates

[ ]

[ ] The safety of surveillance empowers one to experiment with new behaviors and is conducive to autonomy.

**Simon, 2014**

(William H., Professor of Law at Columbia University - Law School, October 2014, "In Defense of the Panopticon," Columbia Public Law Research Paper No. 14-412, Stanford Public Law Working Paper No. 2492211, <https://www.google.com/search?q=william+h.+simon&ie=utf-8&oe=utf-8>)

**The second trope** of the paranoid style **is the portrayal of virtually all tacit social pressure as insidious.** What people experience as voluntary choice is substantially conditioned by unconscious internalized dispositions to conform to norms, and a key mechanism of such conformity is the actual, imagined, or anticipated gaze of others. **Almost everyone who thinks about it recognizes that such pressures are potentially benign,** but people differ in their rhetorical predispositions toward them. **The individualist streak in American culture tends to exalt individual choice in a way that makes social influence suspect. Foucault** disdained individualism, but he **introduced a conception of "power" that was so vague and sinister that it could be applied to make almost any social force seem creepy.** When Neil Richards writes in the Harvard Law Review that surveillance "affects the power dynamic between the watcher and the watched, giving the watcher greater power to influence or direct the subject of surveillance," he is channeling Foucault. So is Julie Cohen, when she writes in the Stanford Law Review: "Pervasive monitoring of every first move or false start will, at the margin, incline choices toward the bland and the mainstream." **We have come a far cry from Jane Jacobs's idea of "eyes on the street" as the critical foundation of urban vibrancy. For Jacobs, the experience of being observed by diverse strangers induces,** not anxiety or timidity, but **an empowering sense of security and stimulation. It makes people willing to go out into new situations and to experiment with new behaviors.** Eyes-on-the-street implies a tacit social pact that people will intervene to protect each other's safety but that they will refrain from judging their peers' non-dangerous behavior. **Electronic surveillance is not precisely the same thing** as Jacobean eyes-on-the-street, **but it does offer the combination of potentially benign intervention and the absence of censorious judgment that Jacobs saw as conducive to autonomy.**

## Existence Outweighs Value to Life

[ ]

[ ] “No value to life” doesn’t outweigh—You should prioritize existence because value is subjective and could change in the future.

Tännsjö, 2011

[Torbjörn, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, 2011, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” online: <http://people.su.se/~jolso/HS-texter/shaltthou.pdf>]

I suppose it is correct to say that, if Schopenhauer is right, **if life is never worth living, then according to utilitarianism we should all commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide.** I commented on this in chapter two when I presented the idea that **utilitarianism should be applied**, not only to individual actions, but **to collective actions** as well. It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. **It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better.** They may be mistaken about this. They may hold false expectations about the future. From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do. **My strong belief is that most of us live lives worth living.** However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic. **Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves.** As I noted above, **this does not answer the question what we should do, each one of us. My conjecture is that we should not commit suicide. The explanation is simple. If I kill myself, many people will suffer.** Here is a rough explanation of how this will happen: ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person’s anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. **The fact that all our lives lack meaning, if they do, does not mean that others will follow my example.** They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But **then I have an obligation, for their sake, to go on with my life.** It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

## War Outweighs Structural Violence

[ ]

[ ] Preventing war is a pre-requisite to preventing structural violence.

### Folk, 1978

(Jerry, Professor of Religious and Peace Studies at Bethany College, "Peace Educations – Peace Studies : Towards an Integrated Approach," Peace & Change, volume V, number 1, Spring, p. 58)

**Those proponents of the positive peace approach who reject out of hand the work of researchers and educators coming to the field from the perspective of negative peace too easily forget that the prevention of a nuclear confrontation of global dimensions is the prerequisite for all other peace research, education, and action. Unless such a confrontation can be avoided there will be no world left in which to build positive peace.** Moreover, the blanket condemnation of all such negative peace oriented research, education or action as a reactionary attempt to support and reinforce the status quo is doctrinaire. Conflict theory and resolution, disarmament studies, studies of the international system and of international organizations, and integration studies are in themselves neutral. They do not intrinsically support either the status quo or revolutionary efforts to change or overthrow it. Rather they offer a body of knowledge which can be used for either purpose or for some purpose in between. **It is much more logical for those who understand peace as positive peace to integrate this knowledge into their own framework and to utilize it in achieving their own purposes. A balanced peace studies program should therefore offer the student exposure to the questions and concerns which occupy those who view the field essentially from the point of view of negative peace.**

**No Alternative – Abstract Movements Fail**

[ ]

[ ] **The alternative fails—abstract movements won't produce political results besides violence. We should embrace the hard work of pragmatic reform.**

**Condit, 2015**

(Celeste, Distinguished Research Professor of Communication Studies at the University of Georgia, "Multi-Layered Trajectories for Academic Contributions to Social Change," Feb 4, 2015, *Quarterly Journal of Speech*, Volume 101, Issue 1, 2015)

Thus, **when Žižek and others urge us to "Act" with violence to destroy the current Reality, without a vision of an alternative, on the grounds that the links between actions and consequences are never certain, we can call his appeal both a failure of imagination and a failure of reality. As for reality, we have dozens of revolutions as models, and the historical record indicates quite clearly that they generally lead not to harmonious cooperation (what I call "AnarchoNiceness" to gently mock the romanticism of Hardt and Negri) but instead to the production of totalitarian states and/or violent factional strife. A materialist constructivist epistemology accounts for this by predicting that it is not possible for symbol-using animals to exist in a symbolic void. All symbolic movement has a trajectory, and if you have not imagined a potentially realizable alternative for that trajectory to take, then what people will leap into is biological predispositions—the first iteration of which is the rule of the strongest primate. Indeed, this is what experience with revolutions has shown to be the most probable outcome of a revolution that is merely against an Evil. The failure of imagination in such rhetorics thereby reveals itself to be critical, so it is worth pondering sources of that failure. The rhetoric of "the kill" in social theory in the past half century has repeatedly reduced to the leap into a void because the symbolized alternative that the context of the twentieth century otherwise predispositionally offers is to the binary opposite of capitalism, i.e., communism. That rhetorical option, however, has been foreclosed by the historical discrediting of the readily imagined forms of communism (e.g., Žižek9). **The hard work to invent better alternatives is not as dramatically enticing as the story of the kill: such labor is piecemeal, intellectually difficult, requires multi-disciplinary understandings, and** perhaps **requires** more **creativity** than the typical academic theorist can muster. In the absence of a viable alternative, the appeals to Radical Revolution seem to have been sustained by the emotional zing of the kill, in many cases amped up by the appeal of autonomy and manliness (Žižek uses the former term and deploys the ethos of the latter). But if one does not provide a viable vision that offers a reasonable chance of leaving most people better off than they are now, then Fox News has a better offering (you'll be free and you'll get rich!). A revolution posited as a void cannot succeed as a horizon of history, other than as constant local scale violent actions, perhaps connected by shifting networks we call "terrorists." This analysis of the geo-political situation, of the onto-epistemological character of language, and of the limitations of the dominant horizon of social change indicates that **the focal project for progressive Left Academics should now include the hard labor to produce alternative visions that appear materially feasible.****

## No Alternative – Rejections of the Law Lead to Abuse

[ ] No alternative to the law/legal system---other ideas bring more inequality and abuse.

**Auerbach, 1983**

(Jerold S., Professor of History at Wellesley, "Justice Without Law?", 1983, p. 144-146)

Not incidentally, **alternatives prevent the use of courts for redistributive purposes in the interest of equality, by consigning the rights of disadvantaged citizens to institutions with minimal power to enforce or protect them. It is, therefore, necessary to beware of the seductive appeal of alternative institutions. They may deflect energy from political organization by groups of people with common grievances; or discourage effective litigation strategies that could provide substantial benefits.** They may, in the end, create a two-track justice system that dispenses informal "justice" to poor people with "small" claims and "minor" disputes, who cannot afford legal services, and who are denied access to courts. (Bar associations do not recommend that corporate law firms divert their clients to mediation, or that business deductions for legal expenses—a gigantic government subsidy for litigation—be eliminated.) Justice according to law will be reserved for the affluent, hardly a novel development in American history but one that needs little encouragement from the spread of alternative dispute-settlement institutions. It is social context and political choice that determine whether courts, or alternative institutions, can render justice more or less accessible—and to whom. Both can be discretionary, arbitrary, domineering—and unjust. Law can symbolize justice, or conceal repression. It can reduce exploitation, or facilitate it. It can prohibit the abuse of power, or disguise abuse in procedural forms. It can promote equality, or sustain inequality. Despite the resiliency and power of law, it seems unable to eradicate the tension between legality and justice: even in a society of (legal) equals, some still remain more equal than others. But **diversion from the legal system is likely to accentuate that inequality. Without legal power the imbalance between aggrieved individuals and corporations, or government agencies, cannot be redressed. In American society,** as Laura Nader has observed, **"disputing without the force of law ... [is] doomed to fail."**<sup>7</sup> **Instructive examples document the deleterious effect of coerced informality** (even if others demonstrate the creative possibilities of indigenous experimentation). **Freed slaves after the Civil War and factory workers at the turn of the century, like inner-city poor people now, have all been assigned places in informal proceedings that offer substantially weaker safeguards than law can provide.** Legal institutions may not provide equal justice under law, but in a society ruled by law it is their responsibility. **It is chimerical to believe that mediation or arbitration can now accomplish what law seems powerless to achieve. The American deification of individual rights requires an accessible legal system for their protection.** Understandably, diminished faith in its capacities will encourage the yearning for alternatives. But the rhetoric of "community" and "justice" should not be permitted to conceal the deterioration of community life and the unraveling of substantive notions of justice that has accompanied its demise. There is every reason why the values that historically are associated with informal justice should remain compelling: especially the preference for trust, harmony, and reciprocity within a communal setting. These are not, however, the values that American society encourages or sustains; **in their absence there is no effective alternative to legal institutions.** The quest for community may indeed be "timeless and universal."<sup>8</sup> In this century, however, the communitarian search for justice without law has deteriorated beyond recognition into a stunted off-shoot of the legal system. The historical progression is clear: from community justice without formal legal institutions to the rule of law, all too often without justice. **But injustice without law is an even worse possibility, which misguided enthusiasm for alternative** dispute settlement **now seems likely to encourage.** Our legal culture too accurately expresses the individualistic and materialistic values that most Americans deeply cherish to inspire optimism about the imminent restoration of communitarian purpose.



**No Alternative – Rejecting Reformism Causes Global War**

[ ]

[ ] The alternative lacks a mechanism for resolving global violence—the impact is global war.

**Moore, 2004**

(Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, John Norton Moore, pages 41-2)

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty or social injustice, competition for resources, incidents and accidents, greed, fear, and perceptions of "honor," or many other such factors. Such factors may well play a role in motivating aggression or in serving as a means for generating fear and manipulating public opinion. The reality, however, is that while some of these may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high risk decisions leading to war that is the key to more effectively controlling war. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents.<sup>11</sup> Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war as is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may be to doom us to war for generations to come.